

# Physical Therapy Committee

## Laws and Regulations

A compilation of the Indiana Code and Indiana Administrative Code

2009 Edition



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**NOTICE:** This compilation incorporates the most recent revisions of statutes and administrative rules governing physical therapists and physical therapist's assistants, as of July 1, 2009. Note that this compilation is not an official version of the Indiana Code or the Indiana Administrative Code. It is distributed as a general guide for Indiana's physical therapists and physical therapist's assistants. It is not intended to be offered as legal advice, and it may contain typographical errors. The Physical Therapy Committee and the staff of the Indiana Professional Licensing Agency are prohibited from providing legal advice on issues contained herein. For legal advice, please consult an attorney. To obtain official copies of the Indiana Code or Indiana Administrative Code, please contact your nearest public library or visit the website of the Indiana General Assembly at [www.in.gov/legislative](http://www.in.gov/legislative).

# PHYSICAL THERAPY COMMITTEE

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**INDIANA CODE § 25-27**

**ARTICLE 27. PHYSICAL THERAPISTS**

**INDIANA CODE § 25-27-1**

**Chapter 1. Regulation of Physical Therapists by  
Medical Licensing Board**

**IC 25-27-1-1 Definitions**

Sec. 1. For the purposes of this chapter:

(1) "Physical therapy" means the evaluation of, administration of, or instruction in physical rehabilitative and habilitative techniques and procedures to evaluate, prevent, correct, treat, alleviate, and limit physical disability, pathokinesiologic function, bodily malfunction, pain from injury, disease, and any other physical disability or mental disorder, including:

(A) the use of physical measures, agents, and devices for preventive and therapeutic purposes;

(B) neurodevelopmental procedures;

(C) the performance, interpretation, and evaluation of physical therapy tests and measurements; and

(D) the provision of consultative, educational, and other advisory services for the purpose of preventing or reducing the incidence and severity of physical disability, bodily malfunction, and pain.

(2) "Physical therapist" means a person who practices physical therapy as defined in this chapter.

(3) "Physical therapist's assistant" means a person who assists in the practice of physical therapy as defined in this chapter.

(4) "Board" refers to the medical licensing board.

(5) "Committee" refers to the Indiana physical therapy committee established under section 4 of this chapter.

(6) "Person" means an individual.

*(Formerly: Acts 1957, c.198, s.1; Acts 1971, P.L.379, SEC.1.) As amended by P.L.150-1986, SEC.4; P.L.259-1987, SEC.1; P.L.240-1989, SEC.1.*

**IC 25-27-1-2 Unlawful practices**

Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to practice physical therapy or to profess to be a physical therapist, physiotherapist, or physical therapy technician or to use the initials "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person is a physical therapist, or to practice or to assume the duties incident to physical therapy without first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(b) It is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist holding an unlimited license to practice medicine, podiatric medicine, psychology, chiropractic, or dentistry, respectively. It is unlawful for a physical therapist to use the services of a physical therapist's assistant except as provided under this chapter. For the purposes of this subsection, the function of:

(1) teaching;

(2) doing research;

(3) providing advisory services; or

(4) conducting seminars on physical therapy;

is not considered to be a practice of physical therapy.

(c) Except as otherwise provided in this chapter, it is unlawful for a person to act as a physical therapist's assistant or to use initials, letters, words, abbreviations, or insignia indicating that the person is a physical therapist's assistant without first obtaining from the board a certificate

authorizing the person to act as a physical therapist's assistant. It is unlawful for the person to act as a physical therapist's assistant other than under the direct supervision of a licensed physical therapist who is in responsible charge of a patient or under the direct supervision of a physician. However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of osteopathy, chiropractic, or podiatric medicine.

(d) This chapter does not authorize a person who is licensed as a physical therapist or certified as a physical therapist's assistant to:

(1) evaluate any physical disability or mental disorder except upon the order or referral of a physician, podiatrist, psychologist, chiropractor, or dentist;

(2) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy, psychology, chiropractic, or podiatric medicine; or

(3) prescribe a drug or other remedial substance used in medicine.

*(Formerly: Acts 1957, c.198, s.2; Acts 1971, P.L.379, SEC.2.) As amended by P.L.137-1985, SEC.8; P.L.157-1986, SEC.2; P.L.259-1987, SEC.2; P.L.240-1989, SEC.2; P.L.217-1993, SEC.4.*

**IC 25-27-1-3 Repealed**

*(Repealed by P.L.150-1986, SEC.14.)*

**IC 25-27-1-3.1 Practice of certain occupations or professions and first aid not prohibited**

Sec. 3.1. This chapter does not prohibit any of the following:

(1) The practice of any occupation or profession for which a person is licensed, certified, or registered in Indiana by a state agency. The persons who are exempted by this subdivision include persons licensed, certified, or registered to practice osteopathy, chiropractic, or podiatric medicine.

(2) The practice of any health care occupation or profession by a person who is practicing within the scope of the person's education and experience.

(3) The performance of any first aid procedure incidental to a person's employment or volunteer duties.

(4) The performance of an emergency first aid procedure by any person.

*As added by P.L.150-1986, SEC.5.*

**IC 25-27-1-4 Indiana physical therapy committee**

Sec. 4. (a) There is created a five (5) member Indiana physical therapy committee to assist the board in carrying out this chapter regarding the qualifications and examinations of physical therapists and physical therapist's assistants. The committee is comprised of:

(1) three (3) physical therapists;

(2) a licensed physician; and

(3) one (1) member who is a resident of the state and who is not associated with physical therapy in any way, other than as a consumer.

(b) The governor shall make each appointment for a term of three (3) years. Each physical therapist appointed must:

(1) be a licensed physical therapist meeting the requirements of this chapter;

(2) have had not less than three (3) years experience in the actual practice of physical therapy immediately preceding appointment; and

(3) be a resident of the state and actively engaged in this state in the practice of physical therapy during incumbency as a member of the committee.

*(Formerly: Acts 1957, c.198, s.4; Acts 1971, P.L.379, SEC.3.) As amended by Acts 1981, P.L.222, SEC.195; P.L.150-1986, SEC.6.*

**IC 25-27-1-5 Determination of qualifications; administration of examinations; standards for competent practice**

Sec. 5. (a) The committee shall:

- (1) pass upon the qualifications of physical therapists who apply for licensure and physical therapist's assistants who apply for certification;
- (2) provide all examinations either directly or by delegation under subsection (c);
- (3) determine the applicants who successfully pass examinations;
- (4) license qualified applicants; and
- (5) propose rules concerning the competent practice of physical therapy to the board.

(b) The board shall adopt rules, considering the committee's proposed rules, establishing standards for the competent practice of physical therapy.

(c) The committee may approve and utilize the services of a testing company or agent to prepare, conduct, and score examinations.

*(Formerly: Acts 1957, c.198, s.5; Acts 1971, P.L.379, SEC.4.) As amended by Acts 1981, P.L.222, SEC.196; P.L.150-1986, SEC.7; P.L.259-1987, SEC.3.*

**IC 25-27-1-6 Evidence of qualification**

Sec. 6. (a) Each applicant for a license as a physical therapist or certification as a physical therapist's assistant must present satisfactory evidence that the applicant:

- (1) does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently; and
- (2) has not been the subject of a disciplinary action initiated by the licensing agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a physical therapist or physical therapist's assistant without endangering the public.

(b) Each applicant for a license as a physical therapist must submit proof to the committee of the applicant's graduation from a school or program of physical therapy that meets standards set by the committee. Each applicant for a certificate as a physical therapist's assistant must present satisfactory evidence that the applicant is a graduate of a two (2) year college level education program for physical therapist's assistants that meets the standards of the committee. At the time of making application, each applicant must pay a fee determined by the board after consideration of any recommendation of the committee.

(c) An applicant may appeal the committee's decision to deny licensure to the committee within fifteen (15) days after the applicant receives notification of the committee's decision. Upon receiving an appeal under this subsection, the committee shall set the matter for an administrative hearing under IC 4-21.5.

*(Formerly: Acts 1957, c.198, s.6; Acts 1971, P.L.379, SEC.5.) As amended by Acts 1981, P.L.222, SEC.197; Acts 1982, P.L.113, SEC.66; P.L.150-1986, SEC.8; P.L.149-1987, SEC.78; P.L.152-1988, SEC.23; P.L.33-1993, SEC.48.*

**IC 25-27-1-7 Examination; reexamination**

Sec. 7. (a) All examinations of the applicants for licensure as physical therapists or for certification as physical therapist's assistants shall be held in Indiana at least twice a year.

(b) Examinations shall include a written or computer examination which must test the applicant's knowledge of the basic and clinical sciences as they relate to physical therapy, physical therapy theory and procedures, and such other subjects as the committee may deem useful to test the applicant's fitness to practice physical therapy or to act as a physical therapist's assistant.

(c) Any qualified applicant who fails an examination and is refused a license or certificate may take another examination within the time limits set by the committee upon payment of an additional fee determined by the board after consideration of any recommendation of the committee.

(d) Nothing in this section shall be construed as a prohibition against any qualified applicant who has failed an examination from making further application for a license to practice physical therapy or for a certificate to act as a physical therapist's assistant when the application is accompanied by the fee determined by the board after consideration of any recommendation of the committee.

*(Formerly: Acts 1957, c.198, s.7; Acts 1971, P.L.379, SEC.6.) As amended by P.L.136-1984, SEC.1; P.L.150-1986, SEC.9; P.L.173-1996, SEC.14.*

**IC 25-27-1-8 Issuance of license; renewal; reinstatement; temporary nonrenewable permit; retirement from practice**

Sec. 8. (a) The committee shall license as a physical therapist each applicant who:

- (1) successfully passes the examination provided for in this chapter; and
- (2) is otherwise qualified as required by this chapter.

(b) All licenses and certificates issued by the committee expire on the date of each even-numbered year specified by the Indiana professional licensing agency under IC 25-1-5-4. A renewal fee established by the board after consideration of any recommendation of the committee must be paid biennially on or before the date specified by the Indiana professional licensing agency, and if not paid on or before that date, the license or certificate becomes invalid, without further action by the committee. A penalty fee set by the board after consideration of any recommendation of the committee shall be in effect for any reinstatement within three (3) years from the original date of expiration.

(c) An expired license or certificate may be reinstated by the committee up to three (3) years after the expiration date if the holder of the expired license or certificate:

- (1) pays a penalty fee set by the board after consideration of any recommendation of the committee; and
- (2) pays the renewal fees for the biennium.

If more than three (3) years have elapsed since expiration of the license or certificate, the holder may be reexamined by the committee. The board may adopt, after consideration of any recommendation of the committee, rules setting requirements for reinstatement of an expired license.

(d) The committee may issue not more than two (2) temporary permits to a physical therapist or physical therapist's assistant. A person with a temporary permit issued under this subsection may practice physical therapy only under the direct supervision of a licensed physical therapist who is responsible for the patient. A temporary permit may be issued to any person who has paid a fee set by the board after consideration of any recommendation of the committee and who:

- (1) has a valid license from another state to practice physical therapy, or has a valid certificate from another state to act as a physical therapist's assistant; or
- (2) has applied for and been approved by the committee to take the examination for licensure or certification, has not previously failed the licensure or certification examination in Indiana or any other state, and has:

- (A) graduated from a school or program of physical therapy; or
- (B) graduated from a two (2) year college level education program for physical therapist's assistants that meets the standards set by the committee.

The applicant must take the examination within the time limits set by the committee.

(e) A temporary permit issued under subsection (d) expires when the applicant becomes licensed or certified, or approved for endorsement licensing or certification by the committee, or when the application for licensure has been disapproved, whichever occurs first. An application for licensure or certification is disapproved and any temporary permit based upon the application expires when the applicant fails to take the

examination within the time limits set by the committee or when the committee receives notification of the applicant's failure to pass any required examination in Indiana or any other state.

(f) A holder of a license or certificate under this chapter who intends to retire from practice shall notify the committee in writing. Upon receipt of the notice, the committee shall record the fact that the holder of the license or certificate is retired and release the person from further payment of renewal fees. If a holder of the license or certificate surrenders a license or certificate, reinstatement of the license or certificate may be considered by the committee upon written request. The committee may impose conditions it considers appropriate to the surrender or reinstatement of a surrendered license or certificate. A license or certificate may not be surrendered to the committee without the written consent of the committee if any disciplinary proceedings are pending against a holder of a license or certificate under this chapter. (Formerly: Acts 1957, c.198, s.8; Acts 1971, P.L.379, SEC.7.) As amended by Acts 1981, P.L.222, SEC.198; P.L.136-1984, SEC.2; P.L.150-1986, SEC.10; P.L.149-1987, SEC.79; P.L.48-1991, SEC.48; P.L.214-1993, SEC.59; P.L.244-1995, SEC.1; P.L.173-1996, SEC.15; P.L.1-2006, SEC.467.

#### **IC 25-27-1-9 Foreign applicants; license or certificate by endorsement; fee**

Sec. 9. (a) The committee may register and furnish a license or certify by endorsement any applicant who presents evidence satisfactory to the committee of being duly licensed to practice physical therapy or to act as a physical therapist's assistant in another state if the applicant is otherwise qualified as required in section 6 of this chapter. However, the committee shall register and furnish a license or certificate by endorsement to any applicant who is licensed to practice physical therapy or to act as a physical therapist's assistant in another state if:

- (1) the applicant is otherwise qualified as required under section 6(a) and 6(b) of this chapter; and
- (2) the applicant has successfully passed a licensure examination in another state equal to or exceeding the examination standards of Indiana.

At the time of making an application, the applicant shall pay a fee determined by the board after consideration of any recommendation of the committee.

(b) The committee may license as a physical therapist or certify as a physical therapist's assistant any person who has graduated as a physical therapist or physical therapist's assistant, whichever is appropriate, in a foreign country from an educational program approved by the committee if the applicant presents satisfactory evidence to the committee that the applicant:

- (1) does not have a conviction for:
  - (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-9; or
  - (B) a crime that has a direct bearing on the applicant's ability to practice competently; and
- (2) has not been the subject of a disciplinary action initiated by the licensing agency of another state or jurisdiction on the grounds that the applicant was unable to practice as a physical therapist or physical therapist's assistant without endangering the public; and that the applicant has successfully passed the physical therapy licensure or physical therapist's assistant certification examination provided for by this chapter. However, the committee, in evaluating an educational program under this subsection shall approve at least three (3) credential evaluating agencies acceptable to the board for the purpose of evaluating educational programs.

(c) At the time of making an application under subsection (b), the applicant shall pay a fee determined by the board after consideration of any recommendation of the committee.

(Formerly: Acts 1957, c.198, s.9; Acts 1971, P.L.379, SEC.8.) As amended by Acts 1981, P.L.222, SEC.199; Acts 1982, P.L.113, SEC.67; P.L.136-1984, SEC.3; P.L.150-1986, SEC.11; P.L.259-1987, SEC.4; P.L.152-1988, SEC.24; P.L.96-1990, SEC.15; P.L.2-1995, SEC.97; P.L.244-1995, SEC.2.

#### **IC 25-27-1-10 Repealed**

(Repealed by Acts 1981, P.L.222, SEC.296.)

#### **IC 25-27-1-10.1 Repealed**

(Repealed by P.L.152-1988, SEC.30.)

#### **IC 25-27-1-11 Refund of fees**

Sec. 11. The fees collected under this chapter shall under no circumstances be refunded to the applicant.

(Formerly: Acts 1957, c.198, s.11.) As amended by Acts 1981, P.L.222, SEC.201; P.L.150-1986, SEC.13.

#### **IC 25-27-1-12 Violation of chapter; injunction**

Sec. 12. A person who violates this chapter commits a Class B misdemeanor. In addition the board may, in the name of the state, through the attorney general, apply in any court to enjoin any person from practicing physical therapy or acting as a physical therapist's assistant, in violation of IC 25-27-1-2.

(Formerly: Acts 1957, c.198, s.12; Acts 1971, P.L.379, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2546.

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INDIANA CODE § 25-1

ARTICLE 1. GENERAL PROVISIONS

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INDIANA CODE § 25-1-1

**Chapter 1. Evidence of License Applicant's Payment of Personal Property Taxes Required**

**IC 25-1-1-1 Issuance of license; evidence of payment of personal property tax**

Sec. 1. It is unlawful for any board, officer, or person to issue any license, as defined in section 2 of this chapter, to any person who is a resident of this state, unless the applicant, at the time he applies for such license, submits, in addition to all other requirements prescribed by law, a receipt or other evidence showing that he has paid all his personal property taxes in full. "Other evidence" in the case of all licenses issued by the bureau of motor vehicles means a statement signed by the treasurer of the county in which the applicant is a resident that the applicant has paid all personal taxes assessed against him, including all delinquent personal property tax; or, if the applicant owns no personal property subject to taxation, a signed statement from the assessor of the county in which the applicant resides certifying that he has made an affidavit to the effect that he owes no delinquent personal property tax in any county in Indiana.

(Formerly: Acts 1931, c.124, s.1; Acts 1941, c.61, s.1; Acts 1943, c.124, s.1; Acts 1953, c.208, s.1.) As amended by Acts 1978, P.L.2, SEC.2501.

**IC 25-1-1-2 License defined**

Sec. 2. The term "license" as used in this chapter shall be construed to mean and include motor vehicle registration licenses, certificates of title showing the ownership of any motor vehicle, except those classed as passenger vehicles.

(Formerly: Acts 1931, c.124, s.2; Acts 1972, P.L.183, SEC.1.)

**IC 25-1-1-3 Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2570.)

**IC 25-1-1-4 Repealed**

(Repealed by Acts 1978, P.L.2, SEC.2570.)

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INDIANA CODE § 25-1-1.1

**Chapter 1.1. Effect of Criminal Convictions on Licensed or Registered Persons**

**IC 25-1-1.1-1 Denial, revocation, or suspension of license or certificate of registration; conviction of crime**

Sec. 1. Except as provided under sections 2 through 3 of this chapter, a license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(Formerly: Acts 1973, P.L.249, SEC.1.) As amended by Acts 1978, P.L.2, SEC.2502; P.L.67-1990, SEC.6.

**IC 25-1-1.1-2 Suspension or revocation of license or certificate; conviction for drug related offense**

Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

As added by P.L.67-1990, SEC.7. Amended by P.L.1-1991, SEC.162; P.L.17-2001, SEC.5; P.L.151-2006, SEC.10.

**IC 25-1-1.1-3 Suspension or revocation of license or certificate; conviction for additional drug related offenses**

Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

## INDIANA CODE § 25-1-1.2

### Chapter 1.2. Effect of Delinquency in Child Support Payments on Licensed or Registered Persons

#### IC 25-1-1.2-1 "Applicant" defined

Sec. 1. As used in this chapter, "applicant" means a person who applies for:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

#### IC 25-1-1.2-2 "Board" defined

Sec. 2. As used in this chapter, "board" means an entity that regulates occupations or professions under this title and the department of education established by IC 20-19-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L. 1-2005, SEC.191; P.L. 246-2005, SEC. 210.

#### IC 25-1-1.2-3 "Bureau" defined

Sec. 3. As used in this chapter, "bureau" means the child support bureau established by IC 31-25-3-1.

As added by P.L.133-1995, SEC.19. Amended by P.L.145-2006, SEC.157.

#### IC 25-1-1.2-4 "Delinquent" defined

Sec. 4. As used in this chapter, "delinquent" means at least:

- (1) two thousand dollars (\$2,000); or
- (2) three (3) months;

past due on payment of court ordered child support.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.18.

#### IC 25-1-1.2-5 "License" defined

Sec. 5. As used in this chapter, "license" has the meaning set forth in IC 25-1-2-6.

As added by P.L.133-1995, SEC.19.

#### IC 25-1-1.2-6 "Practitioner" defined

Sec. 6. As used in this chapter, "practitioner" means a person that holds:

- (1) an unlimited license, certificate, registration, or permit;
- (2) a limited or probationary license, certificate, registration, or permit;
- (3) a temporary license, certificate, registration, or permit; or
- (4) an intern permit;

issued by a board regulating a profession or an occupation.

As added by P.L.133-1995, SEC.19.

#### IC 25-1-1.2-7 Order for suspension or denial of license; notice to practitioner; contents; reinstatement

Sec. 7. (a) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall:

- (1) suspend the license of the practitioner; or
- (2) deny the application of the applicant;

who is the subject of the order.

(b) Upon receiving an order of a court issued under IC 31-14-12-5 or IC 31-16-12-8 (or IC 31-1-11.5-13(k) or IC 31-6-6.1-16(k) before their repeal), the board shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the practitioner's license has been suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the board receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the practitioner has the right to petition for reinstatement of the practitioner's license to the court that issued the order for suspension.

(c) The board may not reinstate a license suspended under this section until the board receives an order allowing reinstatement from the court that issued the order for suspension.

As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.19; P.L.1-1997, SEC.109.

#### IC 25-1-1.2-8 Notice of delinquency; contents; delinquency finding; probationary status; suspension; reinstatement

Sec. 8. (a) The board shall, upon receiving an order from the bureau under IC 31-25-4-32(e), send a notice to the practitioner identified by the bureau that includes the following:

(1) Specifies that the practitioner is delinquent and is subject to an order placing the practitioner on probationary status.

(2) Describes the amount of child support that the practitioner is in arrears.

(3) Explains that unless the practitioner contacts the bureau and:

(A) pays the practitioner's child support arrearage in full;

(B) establishes a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5; or

(C) requests a hearing under IC 31-25-4-33;

within twenty (20) days after the date the notice is mailed, the board shall place the practitioner on probationary status.

(4) Explains that the practitioner may contest the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status by making written application to the bureau within twenty (20) days after the date the notice is mailed.

(5) Explains that the only basis for contesting the bureau's determination that the practitioner is delinquent and subject to an order placing the practitioner on probationary status is a mistake of fact.

(6) Explains the procedures to:

(A) pay the practitioner's child support arrearage in full;

(B) establish a payment plan with the bureau to pay the arrearage, which must include an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

(C) request a hearing under IC 31-25-4-33.

(7) Explains that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the practitioner has:

(A) paid the practitioner's child support arrearage in full; or

(B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(b) If the board is advised by the bureau that the practitioner either requested a hearing and failed to appear or appeared and was found to be delinquent, the board shall promptly mail a notice to the practitioner who is the subject of the order stating the following:

(1) That the practitioner's license has been placed on probationary status, beginning five (5) business days after the date the notice is



mailed, and that the probation will terminate ten (10) business days after the board receives a notice from the bureau that the person has:

- (A) paid the person's child support arrearage in full; or
- (B) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

(2) That if the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (A) pay the person's child support arrearage in full; or
- (B) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(c) If the board is advised by the bureau that the practitioner whose license has been placed on probationary status has failed to:

- (1) pay the person's child support arrearage in full; or
- (2) establish a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5;

within twenty (20) days after the date the notice is mailed, the board shall suspend the practitioner's license.

(d) The board may not reinstate a license or permit placed on probation or suspended under this section until the board receives a notice from the bureau that the person has:

- (1) paid the person's child support arrearage in full; or
- (2) established a payment plan with the bureau to pay the arrearage which includes an income withholding order under IC 31-16-15-2 or IC 31-16-15-2.5.

*As added by P.L.133-1995, SEC.19. Amended by P.L.23-1996, SEC.20; P.L.1-1997, SEC.110; P.L.145-2006, SEC.158; P.L.103-2007, SEC.7.*

#### **IC 25-1-1.2-9 Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

#### **IC 25-1-1.2-10 Repealed**

*(Repealed by P.L.23-1996, SEC.33.)*

### **INDIANA CODE § 25-1-2**

#### **Chapter 2. Renewal of Licenses Granted by State Agencies. Notice of Expiration**

##### **IC 25-1-2-1 Declaration of intent**

Sec. 1. It is the declared intent of the general assembly by the enactment of this law to require those agencies which are authorized to issue the licenses designated in section 2.1 of this chapter, in the interests of efficiency and economy in the administration of government, to issue such designated permits, licenses, certificates of registration, and other evidences of compliance with statute or regulation, and renewals thereof, for periods of two (2) years duration rather than upon an annual basis, and at the time of issuance or reissuance, or at the time designated by law for the collection of fees therefore, to require the payment of such fees for a period of two (2) years rather than for one (1) year.

*(Formerly: Acts 1961, c.79, s.1.) As amended by P.L.1-1990, SEC.246.*

##### **IC 25-1-2-2 Repealed**

*(Repealed by P.L.1-1990, SEC.247.)*

##### **IC 25-1-2-2.1 Two year or longer period for certain licenses**

Sec. 2.1. Rather than being issued annually, the following permits,

licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

- (1) Certified public accountants, public accountants, and accounting practitioners.
- (2) Architects and landscape architects.
- (3) Dry cleaners.
- (4) Professional engineers.
- (5) Land surveyors.
- (6) Real estate brokers.
- (7) Real estate agents.
- (8) Security dealers' licenses issued by the securities commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.
- (31) Massage therapists.
- (32) Interior designers.
- (33) Genetic counselors.

*As added by P.L.1-1990, SEC.248. Amended by P.L.186-1990, SEC.1; P.L.183-1991, SEC.1; P.L.182-1991, SEC.2; P.L.25-1992, SEC.26; P.L.227-1993, SEC.2; P.L.124-1994, SEC.1; P.L.234-1995, SEC.1; P.L.175-1997, SEC.2; P.L.147-1997, SEC.5; P.L.84-1998, SEC.1; P.L.54-2001, SEC.3; P.L.162-2002, SEC.1; P.L.145-2003, SEC.1; P.L.87-2005, SEC.31; P.L.200-2007, SEC.2; P.L.3-2008, SEC.175; P.L.177-2009, SEC.10.*

##### **IC 25-1-2-3 Authorization to issue and reissue two year licenses**

Sec. 3. Effective October 1, 1961, such licensing agencies as are authorized to issue any of the foregoing shall issue and reissue such licenses and collect the fees for the same on the basis of two (2) years and the dates by month and day which govern the issuance or reissuance of licenses for one (1) year shall govern the issuance or reissuance of licenses for two (2) years; provided, that entire fees for a two (2) year period shall be payable before issuance thereof on the day and month designated for payment of fees for one (1) year licenses. *(Formerly: Acts 1961, c.79, s.3.) As amended by Acts 1982, P.L.154, SEC.1.*

##### **IC 25-1-2-4 Rebates and proration of fees**

Sec. 4. Rebates and proration of fees for fractions of a biennium shall be allowed only with respect to the second year of such license if claim

be made therefor before the expiration of the first year for which the license was issued.

(Formerly: Acts 1961, c.79, s.4.)

#### **IC 25-1-2-5 Rules and regulations**

Sec. 5. Notice shall be given and forms prepared by such licensing agencies as necessary to execute the provisions of this chapter and in order to expedite and effectuate the conversion from one (1) year licensing periods to those of two (2) years, such licensing agencies may adopt and promulgate such rules and regulations they may deem necessary in the manner prescribed by law.

(Formerly: Acts 1961, c.79, s.5.) As amended by Acts 1982, P.L.154, SEC.2.

#### **IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew**

Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private investigator and security guard licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State athletic commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Behavioral health and human services licensing board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.

(42) Home inspectors licensing board.

(43) State board of massage therapy.

(44) Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

As added by Acts 1981, P.L.221, SEC.1. Amended by P.L.137-1985, SEC.5; P.L.246-1985, SEC.13; P.L.169-1985, SEC.22; P.L.149-1987, SEC.17; P.L.5-1988, SEC.132; P.L.28-1988, SEC.73; P.L.242-1989, SEC.4; P.L.234-1989, SEC.1; P.L.238-1989, SEC.4; P.L.186-1990, SEC.2; P.L.183-1991, SEC.2; P.L.23-1991, SEC.7; P.L.48-1991, SEC.12; P.L.2-1992, SEC.765; P.L.227-1993, SEC.3; P.L.33-1993, SEC.9; P.L.124-1994, SEC.2; P.L.175-1997, SEC.3; P.L.125-1997, SEC.17; P.L.147-1997, SEC.6; P.L.253-1997(ss), SEC.22; P.L.24-1999, SEC.2; P.L.82-2000, SEC.2; P.L.54-2001, SEC.4; P.L.162-2002, SEC.2; P.L.145-2003, SEC.2; P.L.185-2007, SEC.1; P.L.200-2007, SEC.3; P.L.3-2008, SEC.176; P.L.160-2009, SEC.4; P.L.122-2009, SEC.1.

#### **IC 25-1-2-7 Application of IC 25-1-2-6**

Sec. 7. Section 6 of this chapter applies to the mining board (IC 22-10-1.5-2).

As added by P.L.37-1985, SEC.56.

#### **IC 25-1-2-8 Application of chapter; fees**

Sec. 8. This chapter applies to the imposition and collection of fees under the following:

IC 14-24-10

IC 16-19-5-2

IC 25-30-1-17

IC 33-42-2-1.

As added by P.L.5-1988, SEC.133. Amended by P.L.2-1993, SEC.135; P.L.1-1995, SEC.69; P.L.98-2004, SEC.98.

#### **IC 25-1-2-9 Repealed**

(Repealed by P.L. 194-2005, SEC. 87.)

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### **INDIANA CODE § 25-1-3**

#### **Chapter 3. Civil Immunity of Regulatory Agencies**

##### **IC 25-1-3-1 Definitions**

Sec. 1. (a) As used in this chapter, the term "regulatory board" means any state board, commission, or state agency which licenses persons in order to regulate the practice of a particular profession or professions.

(b) As used in this chapter, the term "board members" means members of a regulatory board.

(c) As used in this chapter, the term "secretary" means the executive secretary or other person charged with the administration of the affairs of a regulatory board.

(Formerly: Acts 1975, P.L.268, SEC.1.)

##### **IC 25-1-3-2 Extent of immunity from civil liability**

Sec. 2. The board members, the secretary, his staff, counsel, investigators and hearing officer of every regulatory board, except as provided in section 4 of this chapter, shall be immune from civil liability for damages for conduct within the scope and arising out of the performance of their duties. This section shall not be construed to include civil actions

for damages not directly related to the investigative process and shall apply only to the process for the finding of fact of the regulatory board.  
(Formerly: Acts 1975, P.L.268, SEC.1.)

#### **IC 25-1-3-3 Immunity from civil liability; statements in course of investigatory hearing or review proceedings**

Sec. 3. Any person shall be immune from civil liability for damages for any sworn or written statements, made without malice, and transmitted to the regulatory board, executive secretary, or his staff, or made in the course of investigatory, hearing or review proceedings.  
(Formerly: Acts 1975, P.L.268, SEC.1.)

#### **IC 25-1-3-4 Regulatory boards covered**

Sec. 4. The provisions of this chapter extend to every regulatory board of the state except the disciplinary commission of the supreme court of Indiana which is protected under IC 1971, 33-2-3-1.  
(Formerly: Acts 1975, P.L.268, SEC.1.)

### **INDIANA CODE § 25-1-5**

#### **Chapter 5. Professional Licensing Agency**

##### **IC 25-1-5-1 Centralization of staff, functions, and services; purpose**

Sec. 1. The centralization of staff, functions, and services contemplated by this chapter shall be done in such a way as to enhance the Indiana professional licensing agency's ability to:

- (1) make maximum use of data processing as a means of more efficient operation; and
- (2) provide more services and carry out functions of superior quality.

As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.23; P.L. 206-2005, SEC. 1.

##### **IC 25-1-5-2 Definitions**

Sec. 2. As used in this chapter:

- (1) "Agency" means the Indiana professional licensing agency established by section 3 of this chapter.
- (2) "Board" means any agency, board, advisory committee, or group included in section 3 of this chapter.

As added by Acts 1981, P.L. 222, SEC. 2. Amended by P.L. 206-2005, SEC. 2.

##### **IC 25-1-5-3 Indiana professional licensing agency; functions, duties, and responsibilities**

Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35-6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).

- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Behavioral health and human services licensing board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).
- (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- (22) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.8; P.L.137-1985, SEC.6; P.L.169-1985, SEC.24; P.L.149-1987, SEC.18; P.L.242-1989, SEC.5; P.L.238-1989, SEC.5; P.L.186-1990, SEC.3; P.L.48-1991, SEC.13; P.L.227-1993, SEC.4; P.L.213-1993, SEC.1; P.L.33-1993, SEC.10; P.L.124-1994, SEC.3; P.L.175-1997, SEC.4; P.L.147-1997, SEC.7; P.L.84-1998, SEC.2; P.L.24-1999, SEC.3; P.L. 206-2005, SEC. 3; P.L.2-2008, SEC.57; P.L.122-2009, SEC.3.

##### **IC 25-1-5-4 Additional duties and functions; staff**

Sec. 4. (a) The agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) recordkeeping of board meetings, proceedings, and actions;
- (3) recordkeeping of all persons licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

(b) In addition the agency:

- (1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;
- (2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public;
- (3) may consolidate, where feasible, office space, recordkeeping, and data processing services; and
- (4) shall operate and maintain the electronic registry of professions established under IC 25-1-5.5.

(c) In administering the renewal of licenses or certificates under this chapter, the agency shall send a notice of the upcoming expiration of a license or certificate to each holder of a license or certificate at least sixty (60) days before the expiration of the license or certificate. The notice must inform the holder of the license or certificate of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the agency, the holder of the license or certificate is not subject to a sanction for failure to renew if, once notice is received from the agency, the license or certificate is renewed within forty-five (45) days after receipt of the notice.

(d) In administering an examination for licensure or certification, the agency shall make the appropriate application forms available at least thirty (30) days before the deadline for submitting an application to all persons wishing to take the examination.

(e) The agency may require an applicant for license renewal to submit evidence proving that:

- (1) the applicant continues to meet the minimum requirements for licensure; and
- (2) the applicant is not in violation of:
  - (A) the statute regulating the applicant's profession; or
  - (B) rules adopted by the board regulating the applicant's profession.

(f) The agency shall process an application for renewal of a license or certificate:

- (1) not later than ten (10) days after the agency receives all required forms and evidence; or
- (2) within twenty-four (24) hours after the time that an applicant for renewal appears in person at the agency with all required forms and evidence.

This subsection does not require the agency to issue a renewal license or certificate to an applicant if subsection (g) applies.

(g) The agency may delay issuing a license renewal for up to ninety (90) days after the renewal date for the purpose of permitting the board to investigate information received by the agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the agency delays issuing a license renewal, the agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (h), before the end of the ninety (90) day period, the board shall do one (1) of the following:

- (1) Deny the license renewal following a personal appearance by the applicant before the board.
- (2) Issue the license renewal upon satisfaction of all other conditions for renewal.
- (3) Issue the license renewal and file a complaint under IC 25-1-7.
- (4) Request the office of the attorney general to conduct an investigation under subsection (i) if, following a personal appearance by the applicant before the board, the board has good cause to believe that there has been a violation of IC 25-1-9-4 by the applicant.
- (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license and place the applicant on probation status under IC 25-1-9-9.

(h) If an individual fails to appear before the board under subsection (g), the board may take action on the applicant's license allowed under subsection (g)(1), (g)(2) or (g)(3).

(i) If the board makes a request under subsection (g)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4. If the office of the attorney general files a petition, the board shall set the matter for a hearing. If, after the hearing, the board finds the practitioner violated IC 25-1-9-4, the board may impose sanctions under IC 25-1-9-9. The board may delay issuing the renewal beyond the ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license remains valid until the final determination of the board is rendered unless the renewal is denied or the license is summarily suspended under IC 25-1-9-10.

(j) The license of the applicant for a license renewal remains valid during the ninety (90) day period unless the license renewal is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license shall be automatically renewed at the end of the ninety (90) day period.

(k) Notwithstanding any other statute, the agency may stagger license or certificate renewal cycles. However, if a renewal cycle for a specific board or committee is changed, the agency must obtain the approval of the affected board or committee.

(l) An application for a license, certificate, registration, or permit is abandoned without an action of the board, if the applicant does not complete the requirements to complete the application within one (1) year after the date on which the application was filed. However, the board may, for good cause shown, extend the validity of the application for additional thirty (30) day periods. An application submitted after the abandonment of an application is considered a new application.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.25; P.L.149-1987, SEC.19; P.L.22-1999, SEC.1; P.L.44-2000,*

*SEC.1; P.L.75-2002, SEC.1; P.L. 206-2005, SEC. 4; P.L.177-2009, SEC.14.*

#### **IC 25-1-5-5 Executive Director**

Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

(b) The executive director must be qualified by experience and training.

(c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.

(d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.

(e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.

(f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.

(g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.

(h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical assistance on issues that may be presented to the boards or committees. *As added by Acts 1981, P.L.222, SEC.2. Amended by Acts 1982, P.L.113, SEC.9; P.L.169-1985, SEC.26; P.L.149-1987, SEC.20; P.L.48-1991, SEC.14; P.L.49-1997, SEC.63; P.L. 206-2005, SEC. 5.*

#### **IC 25-1-5-6 Executive director; representatives; staff placement**

Sec. 6. (a) The executive director may designate certain employees of the agency to represent the executive director of the agency at the board meetings, proceedings, or other activities of the board.

(b) The executive director shall assign staff to individual boards and shall work with the boards to ensure efficient utilization and placement of staff.

*As added by Acts 1981, P.L.222, SEC.2. Amended by P.L.169-1985, SEC.27; P.L. 206-2005, SEC. 6.*

#### **IC 25-1-5-7 Repealed**

*(Repealed by P.L.186-1990, SEC.17.)*

#### **IC 25-1-5-8 Repealed**

*(Repealed by P.L. 206-2005, SEC. 15)*

#### **IC 25-1-5-9 Submission of certified document as proof of required diploma**

Sec. 9. If a board or committee requires an applicant for a certificate or license to submit a certified copy of a diploma showing that the applicant graduated from a school or program as a condition for certification or

licensure, the applicant may satisfy this requirement by submitting another certified document that shows that the applicant graduated from or received the required diploma from the applicable school or program. *As added by P.L.177-1996, SEC.1.*

#### **IC 25-1-5-10 Provider profiles**

Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Behavioral health and human services licensing board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

- (1) The provider's name.
- (2) The provider's license, certification, registration, or permit number.
- (3) The provider's license, certification, registration, or permit type.
- (4) The date the provider's license, certification, registration, or permit was issued.
- (5) The date the provider's license, certification, registration, or permit expires.
- (6) The current status of the provider's license, certification, registration, or permit.
- (7) The provider's city and state of record.
- (8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

*As added by P.L.211-2001, SEC.1. Amended by P.L.177-2005, SEC.45; P.L.206-2005, SEC. 7; P.L.2-2008, SEC.58; P.L.122-2009, SEC.4.*

#### **IC 25-1-5-11 Provision of Social Security number; access to numbers**

Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.

(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

*As added by P.L.157-2006, SEC.18.*

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### **INDIANA CODE § 25-1-7**

#### **Chapter 7. Investigation and Prosecution of Complaints Concerning Regulated Occupations**

##### **IC 25-1-7-1 Definitions**

Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State athletic commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

- (24) Respiratory care committee (IC 25-34.5).
- (25) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Behavioral health and human services licensing board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) State department of health, for out-of-state mobile health care facilities.
- (38) State board of massage therapy (IC 25-21.8-2-1)
- (39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.222, SEC.4. Amended by Acts 1982, P.L.113, SEC.12; P.L.137-1985, SEC.7; P.L.246-1985, SEC.15; P.L.169-1985, SEC.29; P.L.149-1987, SEC.21; P.L.257-1987, SEC.15; P.L.242-1989, SEC.6; P.L.234-1989, SEC.3; P.L.238-1989, SEC.6; P.L.1-1990, SEC.249; P.L.186-1990, SEC.5; P.L.183-1991, SEC.3; P.L.23-1991, SEC.9; P.L.48-1991, SEC.16; P.L.1-1992, SEC.130; P.L.30-1993, SEC.5; P.L.227-1993, SEC.5; P.L.213-1993, SEC.2; P.L.8-1993, SEC.371; P.L.33-1993, SEC.11; P.L.1-1994, SEC.120; P.L.124-1994, SEC.4; P.L.234-1995, SEC.3; P.L.175-1997, SEC.5; P.L.147-1997, SEC.8; P.L.84-1998, SEC.3; P.L.24-1999, SEC.4; P.L.82-2000, SEC.4; P.L.162-2002, SEC.4; P.L.145-2003, SEC.4; P.L.185-2007, SEC.4; P.L.193-2007, SEC.4; P.L.200-2007, SEC.5; P.L.3-2008, SEC.178; P.L.134, SEC.16; P.L.1-2009, SEC.138; P.L.160-2009, SEC.7; P.L.122-2009, SEC.5.*

#### **IC 25-1-7-2 Duties of attorney general**

Sec. 2. The office of the attorney general, under the conditions specified in this chapter, may receive, investigate, and prosecute complaints concerning regulated occupations.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-3 Investigation of complaints**

Sec. 3. The division is responsible for the investigation of complaints concerning licensees.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-4 Complaints; requisites; standing**

Sec. 4. All complaints must be written and signed by the complainant and initially filed with the director. Except for employees of the attorney general's office acting in their official capacity, a complaint may be filed by any person, including members of any of the boards listed in section 1 of this chapter.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-5 Duties and powers of director**

Sec. 5. (a) Subsection (b)(1) does not apply to:

- (1) a complaint filed by:
    - (A) a member of any of the boards listed in section 1 of this chapter; or
    - (B) the Indiana professional licensing agency; or
  - (2) a complaint filed under IC 25-1-5-4.
- (b) The director has the following duties and powers:

(1) The director shall make an initial determination as to the merit of each complaint. A copy of a complaint having merit shall be submitted to the board having jurisdiction over the licensee's regulated occupation that board thereby acquiring jurisdiction over the matter except as otherwise provided in this chapter.

(2) The director shall through any reasonable means notify the licensee of the nature and ramifications of the complaint and of the duty of the board to attempt to resolve the complaint through negotiation.

(3) The director shall report any pertinent information regarding the status of the complaint to the complainant.

(4) The director may investigate any written complaint against a licensee. The investigation shall be limited to those areas in which there appears to be a violation of statutes governing the regulated occupation.

(5) The director has the power to subpoena witnesses and to send for and compel the production of books, records, papers, and documents for the furtherance of any investigation under this chapter. The circuit or superior court located in the county where the subpoena is to be issued shall enforce any such subpoena by the director.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.2; P.L.14-2000, SEC.55; P.L. 206-2005, SEC. 11.*

#### **IC 25-1-7-6 Statement of settlement; period of time to resolve**

Sec. 6. (a) This section does not apply to:

- (1) a complaint filed by:
  - (A) a member of any of the boards listed in section 1 of this chapter; or
  - (B) the Indiana professional licensing agency; or
- (2) a complaint filed under IC 25-1-5-4.

(b) If, at any time before the director files the director's recommendations with the attorney general, the board files with the director a statement signed by the licensee and the complainant that the complaint has been resolved, the director shall not take further action. For a period of thirty (30) days after the director has notified the board and the licensee that a complaint has been filed, the division shall not conduct any investigation or take any action whatsoever, unless requested by the board. If, during the thirty (30) days, the board requests an extension of the thirty (30) day time period, the director shall grant it for a period not exceeding an additional twenty (20) days. If at any time during the thirty (30) day period or an extension thereof, the board notifies the director of its intention not to proceed further to resolve the complaint, the division may proceed immediately under this chapter. For every purpose of this section, a board may designate a board member or staff member to act on behalf of or in the name of the board.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.22-1999, SEC.3; P.L. 206-2005, SEC. 12.*

#### **IC 25-1-7-7 Disciplinary sanctions; report to attorney general; prosecution; hearing officer**

Sec. 7. (a) If there has been no statement of settlement filed by the board under section 6 of this chapter, and if, after conducting an investigation, the director believes that the licensee should be subjected to disciplinary sanctions by the board of his regulated occupation, then he shall so report to the attorney general. Upon receiving the director's report, the attorney general may prosecute the matter, on behalf of the state of Indiana, before the board. The board may designate any person as a hearing officer to hear the matter.

(b) Notwithstanding subsection (a) of this section, if the board by majority vote so requests, the attorney general shall prosecute the matter before the board, on behalf of the state of Indiana.

*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-8 Witnesses**

Sec. 8. At the hearing, the board or hearing officer may call witnesses in addition to those presented by the state or the licensee.  
*As added by Acts 1981, P.L.222, SEC.4.*

#### **IC 25-1-7-9 Disqualification of board member**

Sec. 9. A board member is disqualified from any consideration of the case if the board member filed the complaint or participated in negotiations regarding the complaint. The board member is not disqualified from the board's final determination solely because the board member was the hearing officer or determined the complaint and the information pertaining to the complaint was current significant investigative information (as defined by IC 25-23.2-1-5 (Repealed)).  
*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.1; P.L.1-2007, SEC.166.*

#### **IC 25-1-7-10 Confidentiality of complaints and information**

Sec. 10. (a) All complaints and information pertaining to the complaints shall be held in strict confidence until the attorney general files notice with the board of the attorney general's intent to prosecute the licensee.

(b) A person in the employ of the office of attorney general or any of the boards, or any person not a party to the complaint, may not disclose or further a disclosure of information concerning the complaint unless the disclosure is required:

- (1) under law; or
- (2) for the advancement of an investigation.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.181-2002, SEC.2; P.L.1-2007, SEC.167.*

#### **IC 25-1-7-11 Administrative orders and procedures**

Sec. 11. Nothing in this chapter limits the rights of the licensee or the state under IC 4-21.5.

*As added by Acts 1981, P.L.222, SEC.4. Amended by P.L.7-1987, SEC.110.*

#### **IC 25-1-7-12 Reimbursement of attorney general**

Sec. 12. (a) If:

- (1) a fund is created by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is required by statute to provide services to the boards that administer the funds described in subdivision (1);

the office of the attorney general is entitled to reimbursement for the costs incurred in providing the services described in subdivision (2).

(b) If:

- (1) more than one (1) fund is established by statute for the payment of an unpaid judgment against a licensee; and
- (2) the office of the attorney general is entitled to reimbursement under subsection (a);

the funds for reimbursement shall be taken in equal amounts from each of the funds described in subdivision (1).

*As added by P.L.255-1987, SEC.1.*

#### **IC 25-1-7-13 Reports; contents**

Sec. 13. The office of the attorney general shall submit to each board, at the request of the board, a report that includes the following information concerning that regulated occupation:

- (1) The number of complaints filed.
- (2) The number of cases currently under investigation.
- (3) The number of cases closed.
- (4) The number of cases resolved.
- (5) The age of the complaints.

*As added by P.L.177-1997, SEC.1.*

## **INDIANA CODE § 25-1-8**

### **Chapter 8. Occupational and Professional Licensure, Registration, and Certification Fees**

#### **IC 25-1-8-1 "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State athletic commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Mining board (IC 22-10-1.5-2).
- (14) Indiana state board of nursing (IC 25-23-1).
- (15) Indiana optometry board (IC 25-24).
- (16) Indiana board of pharmacy (IC 25-26).
- (17) Indiana plumbing commission (IC 25-28.5-1-3).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2-1).
- (22) Indiana board of veterinary medical examiners (IC 25-38.1-2-1).
- (23) Department of insurance (IC 27-1).
- (24) State police department (IC 10-11-2-4), for purposes of certifying polygraph examiners under IC 25-30-2.
- (25) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (26) Private investigator and security guard licensing board (IC 25-30-1.5-2).
- (27) Occupational therapy committee (IC 25-23.5-2-1).
- (28) Behavioral health and human services licensing board (IC 25-23.6-2-1).
- (29) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (30) State board of registration for land surveyors (IC 25-21.5-2-1).
- (31) Physician assistant committee (IC 25-27.5).
- (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- (33) Board of podiatric medicine (IC 25-29-2-1).
- (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- (35) Indiana physical therapy committee (IC 25-27).
- (36) Manufactured home installer licensing board (IC 25-23.7).
- (37) Home inspectors licensing board (IC 25-20.2-3-1).
- (38) State board of massage therapy (IC 25-21.8-2-1).
- (39) Any other occupational or professional agency created after June 30, 1981.

*As added by Acts 1981, P.L.223, SEC.1. Amended by P.L.250-1983, SEC.1; P.L.246-1985, SEC.16; P.L.169-1985, SEC.30; P.L.19-1986, SEC.42; P.L.149-1987, SEC.22; P.L.257-1987, SEC.16; P.L.3-1989, SEC.144; P.L.234-1989, SEC.4; P.L.186-1990, SEC.6; P.L.183-1991, SEC.4; P.L.23-1991, SEC.10; P.L.48-1991, SEC.17; P.L.1-1992, SEC.131; P.L.30-1993, SEC.6; P.L.33-1993, SEC.12; P.L.213-1993, SEC.3; P.L.227-1993, SEC.6; P.L.1-1994, SEC.121; P.L.124-1995, SEC.5; P.L.234-1995, SEC.4; P.L.147-1997, SEC.9; P.L.84-1998,*

SEC.4; P.L.24-1999, SEC.5; P.L.82-2000, SEC.5; P.L.162-2002, SEC.5; P.L.2-2003, SEC.64; P.L.145-2003, SEC.5; P.L.185-2007, SEC.5; P.L.200-2007, SEC.6; P.L.3-2008, SEC.179; P.L.122-2009, SEC.6; P.L.160-2009, SEC.8.

#### **IC 25-1-8-1.1 Repealed**

*(Repealed by P.L.19-1986, SEC.43.)*

#### **IC 25-1-8-2 Fees; establishment and collection**

Sec. 2. (a) Notwithstanding any other provision regarding the fees to be assessed by a board, a board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for licensure, registration, or certification.
- (2) Issuance, renewal, or transfer of a license, registration, or certificate.
- (3) Restoration of an expired license, registration, or certificate when such action is authorized by law.
- (4) Issuance of licenses by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for practitioners licensed, certified, or registered in Indiana who apply to another state for a license.

No fee shall be less than twenty-five dollars (\$25) unless the fee is collected under a rule adopted by the board which sets a fee for miscellaneous expenses incurred by the board on behalf of the practitioners the board regulates.

(b) Fees established by statute shall remain in effect until replaced by a new fee adopted by rule under this section.

(c) In no case shall the fees be less than are required to pay all of the costs, both direct and indirect, of the operation of the board.

(d) For the payment of fees, a board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check. If a board receives an uncertified personal check for the payment of a fee and if the check does not clear the bank, the board may void the license, registration, or certificate for which the check was received.

(e) Unless designated by rule, a fee is not refundable.

(f) A board shall charge a fee of not more than ten dollars (\$10) for the issuance of a duplicate license, registration, or certificate.

*As added by Acts 1981, P.L.223, SEC.1. Amended by Acts 1982, P.L.113, SEC.13; P.L.169-1985, SEC.31; P.L.48-1991, SEC.18; P.L.33-1993, SEC.13; P.L.235-1995, SEC.1; P.L.197-2007, SEC.19.*

#### **IC 25-1-8-3 Quadrennial license or registration cycle; refunds**

Sec. 3. (a) A board, operating on a quadrennial license, registration, or certificate renewal cycle, shall refund one-half (1/2) of the amount of the license, registration, or certificate fee if the holder of the license, registration, or certificate surrenders it at least two (2) years before it expires.

(b) This section does not apply to the holder of a license, registration, or certificate revoked or suspended by the board.

*As added by Acts 1982, P.L.113, SEC.14.*

#### **IC 25-1-8-4 Quadrennial license renewal system**

Sec. 4. (a) Notwithstanding any law establishing a biennial license renewal system, a board operating on such a system may by rule establish a quadrennial license renewal system.

(b) If a board establishes a quadrennial license renewal system, it may provide for a reduction in the fees for the four (4) year license.

*As added by P.L.234-1983, SEC.3.*

#### **IC 25-1-8-5 Employment of professionals for testing; examination on statutes, rules, and regulations; standards of review**

Sec. 5. (a) Notwithstanding any statutory provisions regarding the administration of examinations, a board or committee may employ organizations or additional professionals to assist in the preparation, administration, and scoring of licensing examinations.

(b) A board or committee may require applicants for licensure, certification, or registration by examination, endorsement, or reciprocity to pass a test on the state or federal statutes, state rules, and federal regulations that the board or committee determines by rule to be relevant to the practice of a regulated profession.

(c) A board or committee may enter into a contract with a testing company or national association to set the standards of review for an examination by an applicant for licensure, certification, or registration.

The standards of review may include:

- (1) setting fees for review;
- (2) requiring that an examination remain confidential; and
- (3) prohibiting the release of the examination or copies of the examination.

*As added by P.L.169-1985, SEC.32. Amended by P.L.152-1988, SEC.5; P.L.48-1991, SEC.19.*

#### **IC 25-1-8-6 Reinstatement of delinquent or lapsed licenses**

Sec. 6. (a) As used in this section, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) Indiana dietitians certification board (IC 25-14.5-2-1).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Board of environmental health specialists (IC 25-32-1).
- (12) State board of funeral and cemetery service (IC 25-15-9).
- (13) Indiana state board of health facility administrators (IC 25-19-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20-1-1.5).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).
- (16) Indiana hypnotist committee (IC 25-20.5-1-7).
- (17) State board of registration for land surveyors (IC 25-21.5-2-1).
- (18) Manufactured home installer licensing board (IC 25-23.7).
- (19) Medical licensing board of Indiana (IC 25-22.5-2).
- (20) Indiana state board of nursing (IC 25-23-1).
- (21) Occupational therapy committee (IC 25-23.5).
- (22) Indiana optometry board (IC 25-24).
- (23) Indiana board of pharmacy (IC 25-26).
- (24) Indiana physical therapy committee (IC 25-27).
- (25) Physician assistant committee (IC 25-27.5).
- (26) Indiana plumbing commission (IC 25-28.5-1-3).
- (27) Board of podiatric medicine (IC 25-29-2-1).
- (28) Private investigator and security guard licensing board (IC 25-30-1-5.2).
- (29) State psychology board (IC 25-33).
- (30) Indiana real estate commission (IC 25-34.1-2).
- (31) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (32) Respiratory care committee (IC 25-34.5).
- (33) Behavioral health and human services licensing board (IC 25-23.6).
- (34) Speech-language pathology and audiology board (IC 25-35.6-2).
- (35) Indiana board of veterinary medical examiners (IC 25-38.1).
- (36) State board of massage therapy (IC 25-21.8-2-1).



(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration and except as provided in section 8 of this chapter, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder:
  - (A) shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board; or
  - (B) shall, if the holder has not complied with the continuing education requirements, meet any requirements imposed under IC 25-1-4-5 and IC 25-1-4-6
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

*As added by P.L.269-2001, SEC.5. Amended by P.L. 206-2005, SEC. 13; P.L.157-2006, SEC.20; P.L.185-2007, SEC.6; P.L.197-2007, SEC.20; P.L.3-2008, SEC.180; P.L.105-2008, SEC.2; P.L.122-2009, SEC.7; P.L.160-2009, SEC.9.*

#### **IC 25-1-8-7 Repealed**

*(Repealed by P.L. 157-2006, SEC.76.)*

#### **IC 25-1-8-8 License reinstatement; grounds for denial**

Sec. 8. (a) As used in this section, "board" has the meaning set forth in section 6(a) of this chapter.

(b) The licensing agency may delay reinstating a license, certificate, or registration for not more than ninety (90) days after the date the applicant applies for reinstatement of a license, certificate, or registration to permit the board to investigate information received by the licensing agency that the applicant for reinstatement may have committed an act for which the applicant may be disciplined. If the licensing agency delays reinstating a license, certificate, or registration, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in

subsection (c), the board shall do one (1) of the following before the expiration of the ninety (90) day period:

- (1) Deny reinstatement of the license, certificate, or registration following a personal appearance by the applicant before the board.
  - (2) Reinstatement of the license, certificate, or registration upon satisfaction of all other requirements for reinstatement.
  - (3) Reinstatement of the license and file a complaint under IC 25-1-7.
  - (4) Request the office of the attorney general to conduct an investigation under subsection (d) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5.
  - (5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, reinstate the license, certificate, or registration and place the applicant on probation status under IC 25-1-9-9 or IC 25-1-11-12.
- (c) If an applicant fails to appear before the board under subsection (b), the board may take action as provided in subsection (b)(1), (b)(2), or (b)(3).
- (d) If the board makes a request under subsection (b)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-9-4 or IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds that the applicant violated IC 25-1-9-4 or IC 25-1-11-5, the board may impose sanctions under IC 25-1-9-9 or IC 25-1-11-12. The board may delay reinstating a license, certificate, or registration beyond ninety (90) days after the date the applicant files an application for reinstatement of a license, certificate, or registration until a final determination is made by the board.
- (e) The license, certificate, or registration of the applicant for license reinstatement remains invalid during the ninety (90) day period unless:
- (1) the license, certificate, or registration is reinstated following a personal appearance by the applicant before the board before the end of the ninety (90) day period;
  - (2) the board issues a conditional license to the practitioner that is effective until the reinstatement is denied or the license is reinstated; or
  - (3) the reinstatement is denied.

If the ninety (90) day period expires without action by the board, the license, certificate, or registration shall be automatically reinstated at the end of the ninety (90) day period.

*As added by P.L.197-2007, SEC.21.*

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## **INDIANA CODE § 25-1-9**

### **Chapter 9. Health Professions Standards of Practice**

#### **IC 25-1-9-1 "Board" defined**

Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).

- (12) Indiana board of veterinary medical examiners (IC 25-38.1-2).
- (13) Indiana physical therapy committee (IC 25-27-1).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Behavioral health and human services licensing board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- (20) Indiana hypnotist committee (IC 25-20.5-1-7).

*As added by P.L.152-1988, SEC.1. Amended by P.L.242-1989, SEC.7; P.L.238-1989, SEC.7; P.L.186-1990, SEC.7; P.L.48-1991, SEC.20; P.L.227-1993, SEC.7; P.L.33-1993, SEC.14; P.L.213-1993, SEC.4; P.L.1-1994, SEC.122; P.L.124-1994, SEC.6; P.L.175-1997, SEC.6; P.L.147-1997, SEC.10; P.L.84-1998, SEC.5; P.L.24-1999, SEC.6; P.L.2-2008, SEC.59; P.L.122-2009, SEC.8.*

#### **IC 25-1-9-2 "Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" means an individual who holds:

- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by the board regulating the profession in question, including a certificate of registration issued under IC 25-20.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-3 "License" defined**

Sec. 3. As used in this chapter, "license" includes a license, certificate, registration, or permit.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-3.5 "Sexual contact" defined**

Sec. 3.5. As used in this chapter, "sexual contact" means:

- (1) sexual intercourse (as defined in IC 35-41-1-26);
- (2) deviate sexual conduct (as defined in IC 35-41-1-9); or
- (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the individual performing the fondling or touching or the individual being fondled or touched.

*As added by P.L.200-2001, SEC.1.*

#### **IC 25-1-9-4 Standards of professional practice; findings required for sanctions; evidence of foreign discipline**

Sec. 4. (a) A practitioner shall conduct the practitioner's practice in accordance with the standards established by the board regulating the profession in question and is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds:

- (1) a practitioner has:
  - (A) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a license examination;
  - (B) engaged in fraud or material deception in the course of professional services or activities;
  - (C) advertised services in a false or misleading manner; or
  - (D) been convicted of a crime or assessed a civil penalty involving fraudulent billing practices, including fraud under:
    - (i) Medicaid (42 U.S.C. 1396 et seq.);
    - (ii) Medicare (42 U.S.C. 1395 et seq.);
    - (iii) the children's health insurance program under IC 12-17.6; or
    - (iv) insurance claims;
- (2) a practitioner has been convicted of a crime that

- (A) has a direct bearing on the practitioner's ability to continue to practice competently; or
- (B) is harmful to the public;
- (3) a practitioner has knowingly violated any state statute or rule, or federal statute or regulation, regulating the profession in question;
- (4) a practitioner has continued to practice although the practitioner has become unfit to practice due to:

(A) professional incompetence that:

- (i) may include the undertaking of professional activities that the practitioner is not qualified by training or experience to undertake; and
- (ii) does not include activities performed under IC 16-21-2-9;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or severe dependency upon alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

(5) a practitioner has engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(6) a practitioner has allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual who renders services beyond the scope of that individual's training, experience, or competence;

(7) a practitioner has had disciplinary action taken against the practitioner or the practitioner's license to practice in any state or jurisdiction on grounds similar to those under this chapter;

(8) a practitioner has diverted:

(A) a legend drug (as defined in IC 16-18-2-199); or

(B) any other drug or device issued under a drug order (as defined in IC 16-42-19-3) for another person;

(9) a practitioner, except as otherwise provided by law, has knowingly prescribed, sold, or administered any drug classified as a narcotic, addicting, or dangerous drug to a habitue or addict;

(10) a practitioner has failed to comply with an order imposing a sanction under section 9 of this chapter;

(11) a practitioner has engaged in sexual contact with a patient under the practitioner's care or has used the practitioner-patient relationship to solicit sexual contact with a patient under the practitioner's care;

(12) a practitioner who is a participating provider of a health maintenance organization has knowingly collected or attempted to collect from a subscriber or enrollee of the health maintenance organization any sums that are owed by the health maintenance organization; or

(13) a practitioner has assisted another person in committing an act that would be grounds for disciplinary sanctions under this chapter.

(b) A practitioner who provides health care services to the practitioner's spouse is not subject to disciplinary action under subsection (a)(11).

(c) A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action under subsection (a)(7).

*As added by P.L.152-1988, SEC.1. Amended by P.L.2-1993, SEC.136; P.L.149-1997, SEC.7; P.L.22-1999, SEC.4; P.L.200-2001, SEC.2; P.L.203-2001, SEC.3; P.L.1-2002, SEC.96; P.L.197-2007, SEC.22.*

#### **IC 25-1-9-5 Optometry employment practice**

Sec. 5. In addition to section 4 of this chapter, a practitioner licensed to practice optometry is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has accepted employment to practice optometry from a person other than:

- (1) a corporation formed by an optometrist under IC 23-1.5; or

(2) an individual who is licensed as an optometrist under this article and whose legal residence is in Indiana.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-6 Veterinary practitioners; cruelty to animals**

Sec. 6. In addition to section 4 of this chapter, a practitioner licensed to practice veterinary medicine or registered as a veterinary technician is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds a practitioner has engaged in cruelty to animals.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-6.5 Chiropractors; waiver of deductible or copayment**

Sec. 6.5. (a) In addition to section 4 of this chapter, a practitioner licensed to practice chiropractic is subject to the exercise of the disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds a practitioner has:

- (1) waived a payment of a deductible or a copayment required to be made to the practitioner by a patient under the patient's insurance or health care plan; and
- (2) advertised the waiver of a payment described in subdivision (1).

(b) This section does not apply to the waiver of a deductible or a copayment by a practitioner if:

- (1) the practitioner determines chiropractic service is necessary for the immediate health and welfare of a patient;
- (2) the practitioner determines the payment of a deductible or a copayment would create a substantial financial hardship for the patient; and
- (3) the waiver is based on the evaluation of the individual patient and is not a regular business practice of the practitioner.

*As added by P.L.151-1989, SEC.9.*

#### **IC 25-1-9-6.7 Marriage and family therapists; disciplinary sanctions**

Sec. 6.7. In addition to the actions listed under section 4 of this chapter that subject a practitioner to the exercise of disciplinary sanctions, a practitioner who is licensed under IC 25-23.6 is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board regulating the profession finds that the practitioner has:

- (1) performed any therapy that, by the prevailing standards of the mental health professions in the community where the services were provided, would constitute experimentation on human subjects, without first obtaining full, informed, and written consent;
- (2) failed to meet the minimum standards of performance in professional activities when measured against generally prevailing peer performance in professional activities, including the undertaking of activities that the practitioner is not qualified by training or experience to undertake;
- (3) performed services, including any duties required of the individual under IC 31, in reckless disregard of the best interests of a patient, a client, or the public;
- (4) without the consent of the child's parent, guardian, or custodian, knowingly participated in the child's removal or precipitated others to remove a child from the child's home unless:

- (A) the child's physical health was endangered due to injury as a result of the act or omission of the child's parent, guardian, or custodian;
- (B) the child had been or was in danger of being a victim of an offense under IC 35-42-4, IC 35-45-4-1, IC 35-45-4-2, IC 35-46-1-3, IC 35-49-2-2, or IC 35-49-3-2; or
- (C) the child was in danger of serious bodily harm as a result of the inability, refusal, or neglect of the child's parent, guardian, or custodian to supply the child with necessary food, shelter, or medical care, and a court order was first obtained;

(5) willfully made or filed a false report or record, failed to file a report or record required by law, willfully impeded or obstructed the filing of a report or record, or induced another individual to:

(A) make or file a false report or record; or

(B) impede or obstruct the filing of a report or record; or

(6) performed a diagnosis (as defined in IC 25-22.5-1-1.1(c));

(7) provided evidence in an administrative or judicial proceeding that had insufficient factual basis for the conclusions rendered by the practitioner;

(8) willfully planted in the mind of the patient suggestions that are not based in facts known to the practitioner; or

(9) performed services outside of the scope of practice of the license issued under IC 25-23.6.

*As added by P.L.147-1997, SEC.11. Amended by P.L.2-1998, SEC.65.*

#### **IC 25-1-9-6.8 Practitioner guidelines before prescribing stimulant medication for a child for treatment of certain disorders**

Sec. 6.8. (a) This section applies to a practitioner who is:

(1) licensed to practice medicine or osteopathic medicine under IC 25-22.5; or

(2) an advanced practice nurse granted prescriptive authority under IC 25-23, and whose practice agreement with a collaborating physician reflects the conditions specified in subsection (b).

(b) Before prescribing a stimulant medication for a child for the treatment of attention deficit disorder or attention deficit hyperactivity disorder, a practitioner described in subsection (a) shall follow the most recent guidelines adopted by the American Academy of Pediatrics or the American Academy of Child and Adolescent Psychiatry for the diagnosis and evaluation of a child with attention deficit disorder or attention deficit hyperactivity disorder.

*As added by P.L.107-2002, SEC.28.*

#### **IC 25-1-9-6.9 Failing to provide or providing false information to agency**

Sec. 6.9. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to the exercise of disciplinary sanctions under section 9 of this chapter if, after a hearing, the board finds that the practitioner has:

(1) failed to provide information requested by the Indiana professional licensing agency; or

(2) knowingly provided false information to the Indiana professional licensing agency;

for a provider profile required under IC 25-1-5-10.

*As added by P.L.211-2001, SEC.2. Amended by P.L. 206-2005, SEC.14.*

#### **IC 25-1-9-7 Physical or mental examination; power to require**

Sec. 7. The board may order a practitioner to submit to a reasonable physical or mental examination, at the practitioner's own expense, if the practitioner's physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

*As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.2.*

#### **IC 25-1-9-8 Failure to submit to physical or mental examination; sanctions**

Sec. 8. Failure to comply with a board order to submit to a physical or mental examination makes a practitioner liable to summary suspension under section 10 of this chapter.

*As added by P.L.152-1988, SEC.1.*

#### **IC 25-1-9-9 Disciplinary sanctions**

Sec. 9. (a) The board may impose any of the following sanctions, singly or in combination, if it finds that a practitioner is subject to

disciplinary sanctions under section 4, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

- (1) Permanently revoke a practitioner's license.
  - (2) Suspend a practitioner's license.
  - (3) Censure a practitioner.
  - (4) Issue a letter of reprimand.
  - (5) Place a practitioner on probation status and require the practitioner to:
    - (A) report regularly to the board upon the matters that are the basis of probation;
    - (B) limit practice to those areas prescribed by the board;
    - (C) continue or renew professional education under a preceptor, or as otherwise directed or approved by the board, until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
    - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.
  - (6) Assess a fine against the practitioner in an amount not to exceed one thousand dollars (\$1,000) for each violation listed in section 4 of this chapter, except for a finding of incompetency due to a physical or mental disability. When imposing a fine, the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the fine within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a fine.
  - (b) The board may withdraw or modify the probation under subsection (a)(5) if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order.
- As added by P.L.152-1988, SEC.1. Amended by P.L.48-1991, SEC.21; P.L.22-1999, SEC.5; P.L.32-2000, SEC.10; P.L.211-2001, SEC.3.*

**IC 25-1-9-10 Summary license suspension pending final adjudication; notice; opportunity to be heard**

Sec. 10. (a) The board may summarily suspend a practitioner's license for ninety (90) days before a final adjudication or during the appeals process if the board finds that a practitioner represents a clear and immediate danger to the public health and safety if the practitioner is allowed to continue to practice. The summary suspension may be renewed upon a hearing before the board, and each renewal may be for ninety (90) days or less.

(b) Before the board may summarily suspend a license that has been issued under IC 25-22.5, IC 25-38.1, or IC 25-14, the consumer protection division of the attorney general's office shall make a reasonable attempt to notify a practitioner of a hearing by the board to suspend a practitioner's license and of information regarding the allegation against the practitioner. The consumer protection division of the attorney general's office shall also notify the practitioner that the practitioner may provide a written or an oral statement to the board on the practitioner's behalf before the board issues an order for summary suspension. A reasonable attempt to reach the practitioner is made if the consumer protection division of the attorney general's office attempts to reach the practitioner by telephone or facsimile at the last telephone number of the practitioner on file with the board.

- (c) After a reasonable attempt is made to notify a practitioner under subsection (b):
- (1) a court may not stay or vacate a summary suspension of a practitioner's license for the sole reason that the practitioner was not notified; and
  - (2) the practitioner may not petition the board for a delay of the summary suspension proceedings.

*As added by P.L.152-1988, SEC.1. Amended by P.L.43-1995, SEC.2; P.L.71-2000, SEC.18; P.L.2-2008, SEC.60.*

**IC 25-1-9-10.1 Retention of clinical consultants and experts to advise on suspension**

Sec. 10.1. The attorney general may retain the services of a clinical consultant or an expert to provide the attorney general with advice concerning the acts that are the subject of a suspension under this chapter.

*As added by P.L.43-1995, SEC.3.*

**IC 25-1-9-11 Reinstatement of suspended licenses**

Sec. 11. The board may reinstate a license which has been suspended under this chapter if, after a hearing, the board is satisfied that the applicant is able to practice with reasonable skill and safety to the public. As a condition of reinstatement, the board may impose disciplinary or corrective measures authorized under this chapter.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-12 Reinstatement of revoked license**

Sec. 12. The board may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-13 Consistency of sanctions prescribed**

Sec. 13. The board shall seek to achieve consistency in the application of the sanctions authorized in this section. Significant departures from prior decisions involving similar conduct must be explained in the board's findings or orders.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-14 Surrender of practitioners license instead of hearing; approval**

Sec. 14. A practitioner may petition the board to accept the surrender of the practitioner's license instead of a hearing before the board. The practitioner may not surrender the practitioner's license without the written approval of the board, and the board may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

*As added by P.L.152-1988, SEC.1.*

**IC 25-1-9-15 Costs in disciplinary proceedings**

Sec. 15. Practitioners who have been subjected to disciplinary sanctions may be required by a board to pay for the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. These costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photoduplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.
- (10) Administrative law judges.

*As added by P.L.152-1988, SEC.1. Amended by P.L.158-2003, SEC.3.*

**IC 25-1-9-16 Refusal of licensure or grant of probationary license**

Sec. 16. (a) The board may refuse to issue a license or may issue a probationary license to an applicant for licensure if:

(1) the applicant has been disciplined by a licensing entity of any state or jurisdiction, or has committed an act that would have subjected the applicant to the disciplinary process had the applicant been licensed in Indiana when the act occurred; and  
(2) the violation for which the applicant was, or could have been, disciplined has a direct bearing on the applicant's ability to competently practice in Indiana.

(b) The board may:

- (1) refuse to issue a license; or
- (2) issue a probationary license;

to an applicant for licensure if the applicant practiced without a license in violation of the law.

(c) Whenever the board issues a probationary license, the board may impose one (1) or more of the following conditions:

- (1) Report regularly to the board upon the matters that are the basis of the discipline of the other state or jurisdiction.
- (2) Limit practice to those areas prescribed by the board.
- (3) Continue or renew professional education.
- (4) Engage in community restitution or service without compensation for a number of hours specified by the board.
- (5) Perform or refrain from performing an act that the board considers appropriate to the public interest or to the rehabilitation or treatment of the applicant.

(d) The board shall remove any limitations placed on a probationary license under this section if the board finds after a hearing that the deficiency that required disciplinary action has been remedied.

*As added by P.L.33-1993, SEC.15. Amended by P.L.32-2000, SEC.11; P.L.197-2007, SEC.23.*

#### **IC 25-1-9-17 Applicant appearance before board or controlled substances advisory committee**

Sec. 17. The board and the controlled substances advisory committee (IC 35-48-2-1) may require an applicant for licensure to appear before the board or committee before issuing a license.

*As added by P.L.33-1993, SEC.16.*

#### **IC 25-1-9-18 Fitness determination of health care provider; filing complaint**

Sec. 18. (a) If the insurance commissioner forwards to the board the name of a practitioner under IC 34-18-9-4(a) (or IC 27-12-9-4(a) before its repeal), the board shall consider whether:

- (1) the practitioner has become unfit to practice under section 4 of this chapter; and
- (2) a complaint should be filed under IC 25-1-7-4.

(b) If the board determines that a complaint should be filed under subsection (a), the board must report to the consumer protection division whether the board will schedule the matter:

- (1) for informal negotiation under IC 25-1-7-6;
- (2) on the board's agenda for a vote requesting that the attorney general prosecute the matter before the board under IC 25-1-7-7; or
- (3) on the board's agenda for a vote on summary suspension of the practitioner's license pending prosecution of the matter before the board under IC 25-1-7-7.

(c) A board may designate a board member or staff member to act on behalf of the board under this section.

*As added by P.L.43-1995, SEC.4. Amended by P.L.1-1998, SEC.131.*

#### **IC 25-1-9-19 Third party billing notice**

Sec. 19. A practitioner that provides to a patient notice concerning a third party billing for a health care service provided to the patient shall ensure that the notice:

- (1) conspicuously states that the notice is not a bill;
- (2) does not include a tear-off portion; and

(3) is not accompanied by a return mailing envelope.

*As added by P.L.178-2003, SEC.12.*

#### **IC 25-1-9-20 Adoption of rules; spouses of active duty military personnel**

Sec. 20. The board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance or renewal of a:

- (1) license;
- (2) certificate;
- (3) registration; or
- (4) permit;

of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

*As added by P.L.144-2007, SEC.25.*

#### **IC 25-1-9-21**

Sec. 21. The board may adopt rules under IC 4-22-2 to establish requirements for the management and disposition of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:

- (1) sale;
- (2) transfer;
- (3) closure;
- (4) disciplinary action;
- (5) retirement; or
- (6) death;

of the practitioner.

*As added by P.L.177-2009, SEC.16.*

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### **INDIANA CODE § 25-1-10**

#### **Chapter 10. Reserved**

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### **INDIANA CODE § 25-1-12**

#### **Chapter 12. Renewal of Licenses Held by Individuals in Military Service**

##### **IC 25-1-12-1 Applicability of chapter**

Sec. 1. This chapter applies to an individual who:

- (1) holds a license, certificate, registration, or permit under this title, IC 16, or IC 22; and
- (2) is called to active duty.

*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.61.*

##### **IC 25-1-12-2 "Active duty" defined**

Sec. 2. As used in this chapter, "active duty" means full-time service in the:

- (1) armed forces of the United States; or
- (2) national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

*As added by P.L.88-2004, SEC.2.*

##### **IC 25-1-12-3 "Armed forces of the United States" defined**

Sec. 3. As used in this chapter, "armed forces of the United States" means the active or reserve components of:

- (1) the army;
- (2) the navy;
- (3) the air force;
- (4) the coast guard;
- (5) the marine corps; or

(6) the merchant marine.  
*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 64.*

#### **IC 25-1-12-4 "National guard" defined**

Sec. 4. As used in this chapter, "national guard" means:  
(1) the Indiana army national guard; or  
(2) the Indiana air national guard.  
*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-5 "Practitioner" defined**

Sec. 5. As used in this chapter, "practitioner" means an individual who holds:  
(1) an unlimited license, certificate, or registration;  
(2) a limited or probationary license, certificate, or registration;  
(3) a temporary license, certificate, registration, or permit;  
(4) an intern permit; or  
(5) a provisional license;  
issued under this title, IC 16, or IC 22.  
*As added by P.L.88-2004, SEC.2. Amended by P.L.2-2008, SEC.62.*

#### **IC 25-1-12-6 Extension to renew license or complete continuing education; requirements for extension; additional extensions**

Sec. 6. (a) Notwithstanding any other law, a practitioner who is called to active duty out-of-state and meets the requirements of subsection (b) is entitled to an extension of time described in subsection (c) to:  
(1) renew; and  
(2) complete the continuing education required by;  
the practitioner's license, certificate, registration, or permit.  
(b) The practitioner must meet the following requirements to receive the extension of time provided under subsection (a):  
(1) On the date the practitioner enters active duty, the practitioner's license, certificate, registration, or permit may not be revoked, suspended, lapsed, or be the subject of a complaint under IC 25-1-7.  
(2) The practitioner's license, certificate, registration, or permit must expire while the practitioner is out-of-state on active duty and the practitioner must not have received the notice of expiration before the date the practitioner entered active duty.  
(3) The practitioner shall provide proof of out-of-state active duty by providing a copy of the practitioner's:  
(A) discharge; or  
(B) government movement orders;  
to the agency, board, commission, or committee issuing the practitioner's license, certificate, registration, or permit at the time the practitioner renews the practitioner's license, certificate, registration, or permit under this chapter.  
(c) The extension of time provided under subsection (a) is equal to one hundred eighty (180) days after the date of the practitioner's discharge or release from active duty.  
(d) The agency, board, commission, or committee that issued the practitioner's license, certificate, registration, or permit may extend the period provided in subsection (c) if the agency or board determines that an illness, an injury, or a disability related to the practitioner's active duty prevents the practitioner from renewing or completing the continuing education required for the practitioner's license, certificate, registration, or permit. However, the agency, board, commission, or committee may not extend the period for longer than three hundred sixty-five (365) days after the date of the practitioner's discharge or release from active duty.  
*As added by P.L.88-2004, SEC.2. Amended by P.L. 2-2005, SEC. 65.*

#### **IC 25-1-12-7 Waiver of late fees**

Sec. 7. Any late fees that may be assessed against a practitioner in connection with a renewal under this chapter are waived.  
*As added by P.L.88-2004, SEC.2.*

#### **IC 25-1-12-8 Construction with federal law**

Sec. 8. This chapter may not be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of:  
(1) the armed forces of the United States; or  
(2) the national guard;  
under federal law.  
*As added by P.L.88-2004, SEC.2.*

### **INDIANA CODE § 25-1-14**

#### **Chapter 14. Meetings**

##### **IC 25-1-14-1 Applicability**

Sec. 1. This section applies to a meeting of a board, committee, or commission listed in IC 25-1-5-3 or IC 25-1-6-3.  
*As added by P.L.179-2007, SEC.14.*

##### **IC 25-1-14-2 Participation by member not physically present at meeting**

Sec. 2. (a) A member of a board, committee, or commission may participate in a meeting of the board, committee, or commission:  
(1) except as provided in subsections (b) and (c), at which at least a quorum is physically present at the place where the meeting is conducted; and  
(2) by using a means of communication that permits:  
(A) all other members participating in the meeting; and  
(B) all members of the public physically present at the place where the meeting is conducted;  
to simultaneously communicate with each other during the meeting.  
(b) A member of a board, committee, or commission may participate in an emergency meeting of the board, committee, or commission to consider disciplinary sanctions under IC 25-1-9-10 or IC 25-1-11-13 by using a means of communication that permits:  
(1) all other members participating in the meeting; and  
(2) all members of the public physically present at the place where the meeting is conducted;  
to simultaneously communicate with each other during the meeting.  
(c) A member of the state athletic commission may participate in meetings of the commission to consider the final approval of a permit for a particular boxing, sparring, or unarmed combat match or exhibition under IC 25-9-1-6(b) by using a means of communication that permits:  
(1) all other members participating in the meeting; and  
(2) all members of the public physically present at the place where the meeting is conducted;  
to simultaneously communicate with each other during the meeting.  
(d) A member who participates in a meeting under subsection (b) or (c):  
(1) is considered to be present at the meeting;  
(2) shall be counted for purposes of establishing a quorum; and  
(3) may vote at the meeting.  
*As added by P.L.179-2007, SEC.14. Amended by P.L.105-2008, SEC.3; P.L.160-2009, SEC.11.*

##### **IC 25-1-14-3 Member considered present**

Sec. 3. A member who participates in a meeting under section 2 of this chapter:  
(1) is considered to be present at the meeting;  
(2) shall be counted for purposes of establishing a quorum; and  
(3) may vote at the meeting.  
*As added by P.L.179-2007, SEC.14.*

**IC 25-1-14-4 Meeting memoranda requirements**

Sec. 4. The memoranda of the meeting prepared under IC 5-14-1.5-4 must state the name of:

- (1) each member who was physically present at the place where the meeting was conducted;
- (2) each member who participated in the meeting by using a means of communication described in section 2 of this chapter; and
- (3) each member who was absent.

*As added by P.L.179-2007, SEC.14.*

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**INDIANA CODE § 25-1-15****Chapter 15. Exemptions for Athletic Organization Practitioners  
Licensed in Other Jurisdictions****IC 25-1-15-1 "License" defined**

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

*As added by P.L.177-2009, SEC.18.*

**IC 25-1-15-2 "Practitioner" defined**

Sec. 2. As used in this chapter, "practitioner" refers to any of the following:

- (1) Athletic trainer.
- (2) Chiropractor.
- (3) Dentist.
- (4) Dietitian.
- (5) Marriage and family therapist.
- (6) Massage therapist.
- (7) Mental health counselor.
- (8) Nurse.
- (9) Occupational therapist.
- (10) Optometrist.
- (11) Physical therapist.
- (12) Physician.
- (13) Physician assistant.
- (14) Podiatrist.
- (15) Psychologist.
- (16) Respiratory care practitioner.
- (17) Social worker.

*As added by P.L.177-2009, SEC.18.*

**IC 25-1-15-3**

Sec. 3. (a) A practitioner licensed in another state, territory, or jurisdiction of the United States or of any nation or foreign jurisdiction is exempt from the requirements of licensure under this title, if the practitioner:

- (1) holds an active license to practice the profession in question in the other jurisdiction;
- (2) engages in the active practice of the profession in which the practitioner is licensed in the other jurisdiction; and
- (3) is employed or designated as the athletic or sports organization's practitioner by an athletic or sports organization visiting Indiana for a specific sporting event.

(b) A practitioner's practice under this section is limited to the members, coaches, and staff of the athletic or sports organization that employs or designates the practitioner.

(c) A practitioner practicing in Indiana under the authority of this section:

- (1) does not have practice privileges in any licensed hospital or health care facility; and

(2) is not authorized to issue orders or prescriptions or to order testing at a medical facility;  
in Indiana.

(d) A practitioner's practice under this section may not exceed thirty (30) consecutive days for a specific event.

*As added by P.L.177-2009, SEC.18.*

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**Non-Code Provision under Public Law 206-2005****P.L. 206-2005, SECTION 16**

(a) The rules adopted by the health professions bureau before July 1, 2005, and in effect on June 30, 2005, shall be treated after June 30, 2005, as the rules of the Indiana professional licensing agency.

(b) On July 1, 2005, the Indiana professional licensing agency becomes the owner of all of the property of the health professions bureau. An appropriation made to the health professions bureau shall be treated after June 30, 2005, as an appropriation to the Indiana professional licensing agency.

(c) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the health professions bureau shall be treated after June 30, 2005, as a reference to the Indiana professional licensing agency.

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**Non-Code Provision under Public Law 177-2009****P.L. 177-2009, SECTION 66.**

(a) As used in this SECTION, "board" means a board, commission, or committee.

(b) As used in this SECTION, "committee" refers to the professional licensing study committee established under this SECTION.

(c) The professional licensing study committee is established.

(d) The committee shall do the following:

(1) Study all of the boards that regulate occupations or professions under the Indiana professional licensing agency or the state department of health.

(2) Make recommendations concerning any changes that should be made to a board described under subdivision (1) or the regulation of a profession or occupation by a board described under subdivision (1), including the following recommendations:

(A) Eliminating the board.

(B) Having the board continue regulating the profession or occupation in the same manner that the profession or occupation is currently regulated by the board.

(C) Requiring registration of a profession or occupation through the electronic registry of professions under IC 25-1-5.5, as added by this act.

(D) Requiring national certification or registration of a profession or occupation.

(E) Restructuring the board.

(F) Merging two (2) or more boards.

(e) The committee shall operate under the policies governing study committees adopted by the legislative council.

(f) Before November 1, 2009, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires December 31, 2009.

## TITLE 844. MEDICAL LICENSING BOARD

### ARTICLE 6. PHYSICAL THERAPISTS AND PHYSICAL THERAPISTS' ASSISTANTS

#### Rule 1. General Provisions

##### 844 IAC 6-1-1 Abbreviations defined (*Repealed*)

Sec. 1. (*Repealed by Medical Licensing Board of Indiana; filed Sep 22, 1994, 4:30 p.m.: 18 IR 266*)

##### 844 IAC 6-1-2 Definitions

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-2; IC 25-27-1-8

Sec. 2. (a) The definitions in this section apply throughout this article.

(b) "Board" refers to the medical licensing board of Indiana.

(c) "Bureau" refers to the health professions bureau.

(d) "Committee" refers to the Indiana physical therapy committee.

(e) "Direct supervision" means that the supervising physical therapist or physician at all times shall be available and under all circumstances shall be absolutely responsible for the direction and the actions of the person supervised when services are performed by the physical therapist's assistant or holder of a temporary permit issued under IC 25-27-1-8(d). For the holder of a temporary permit issued under IC 25-27-1-8(d), unless the supervising physical therapist or physician is on the premises to provide constant supervision, the holder of a temporary permit shall meet with the physical therapist or physician at least once each working day to review all patients' treatments. This meeting must include the actual presence of the physical therapist or physician and the holder of a temporary permit. The patient's care shall always be the responsibility of the supervising physical therapist or physician. Reports written by the holder of a temporary permit for inclusion in the patients' record shall be countersigned by the physical therapist or physician who may enter any remarks, revisions, or additions as the physical therapist or physician deems appropriate. With respect to the supervision of physical therapist's assistants under IC 25-27-1-2(c), unless the supervising physical therapist or physician is on the premises to provide constant supervision, the physical therapist's assistant shall consult with the supervising physical therapist or physician at least once each working day to review all patients' treatments. The supervising physical therapist or physician shall examine each patient not less than:

- (1) every fourteen (14) days for inpatients in either a hospital or comprehensive rehabilitation facility;
- (2) the earlier of every ninety (90) days or six (6) physical therapy visits for patients in a facility for the mentally retarded (MR) and developmentally disabled (DD) and school system patients; and
- (3) the earlier of every thirty (30) days or every fifteen (15) physical therapy visits for all other patients;

to review the patients' treatment and progress. If this daily consultation is not face-to-face, the physical therapist or physician may not supervise more than the equivalent of three (3) full-time physical therapist's assistants. A consultation between a supervising physical therapist or a physician and the physical therapist's assistant may be in person, by telephone, or by a telecommunications device for the deaf (TDD), so long as there is interactive communication concerning patient care.

(f) "Physical therapist's assistant" means a person who is registered by the committee to assist in the practice of physical therapy under the direct supervision of a licensed physical therapist or under the direct supervision of a physician by performing those assigned physical therapy procedures identified in subsection (g)(3), but not those specified in subsection (g)(1) or (g)(2).

(g) "Physical therapy" includes, but is not limited to, such measures as the following:

- (1) Performing and interpreting tests and measurements of neuromuscular, musculoskeletal, cardiac, and pulmonary functions as a part of treatment, interpretation of physician referrals, initial patient evaluation, initial and ongoing treatment planning, periodic reevaluation of the patient, and adjustment of the treatment plan.
- (2) Planning initial and subsequent treatment programs on the basis of test findings and within the orders of a referring practitioner who is licensed to practice medicine, osteopathic medicine, dentistry, podiatry, or chiropractic.
- (3) Administering treatment through the use of physical, chemical, or other properties of heat or cold, light, water, electricity, massage, mechanical devices, and therapeutic exercise, which includes all types of physical rehabilitative techniques and procedures.

(*Medical Licensing Board of Indiana; 844 IAC 6-1-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 773; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1937; filed Mar 6, 1986, 3:00 p.m.: 9 IR 1662; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2731; filed Apr 14, 1994, 5:00 p.m.: 17 IR 2077; filed Sep 22, 1994, 4:30 p.m.: 18 IR 261; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:15 a.m.: 28 IR 209*)

##### 844 IAC 6-1-3 Standards of practice for physical therapy services

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-1

Sec. 3. (a) A physical therapy service shall be under the direction of a licensed physical therapist who is qualified by experience, demonstrated ability, and specialized education.

(b) A physical therapist shall develop a plan of care for each patient referred and shall be responsible for the plan implementation and modification. A physical therapist shall consult with the referring practitioner regarding any contraindicated or unjustified treatment.

(c) The physical plant shall be planned, constructed, and equipped to provide adequate space and proper environment to meet the service needs with safety and efficiency.

(*Medical Licensing Board of Indiana; 844 IAC 6-1-3; filed Mar 10, 1983, 3:59 p.m.: 6 IR 773; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1938; filed Sep 22, 1994, 4:30 p.m.: 18 IR 262; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:35 p.m.: 20071031-IR-844070051RFA*)

##### 844 IAC 6-1-4 Accreditation of educational programs

**Authority:** IC 25-27-1-5

**Affected:** IC 4-22-2-21; IC 25-27-1-1

Sec. 4. (a) The committee shall maintain a list of physical therapy and physical therapist's assistant educational programs that the committee has approved. This list shall be available in written form from the Health Professions Bureau, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204.

(b) An approved program is one maintaining standards equivalent to those adopted by the Commission on Accreditation in Physical Therapy Education (CAPTE), Accreditation Handbook, April 2002 edition. These standards are hereby adopted as those of the committee and are hereby incorporated by reference under IC 4-22-2-21 and do not include any amendments or subsequent editions. A copy of such standards shall be available for public inspection at the office of the Health Professions Bureau, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204. Copies of such standards are available from the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria, Virginia 22314 or at <http://www.apta.org/Education/accreditation>.

(c) An educational program, or a graduate or candidate for graduation from an educational program, which is not on the list of approved programs maintained by the committee, may apply to the committee for approval by petition demonstrating that the educational program meets the committee's standards for approval.



(d) The committee may remove an educational program from its list of approved programs upon the grounds that the educational program no longer meets its standards for approval.

*(Medical Licensing Board of Indiana; 844 IAC 6-1-4; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2732; filed Sep 22, 1994, 4:30 p.m.: 18 IR 263; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Oct 7, 2002, 11:51 a.m.: 26 IR 377; filed Aug 26, 2004, 10:20 a.m.: 28 IR 203)*

## **Rule 2. Fees**

### **844 IAC 6-2-1 Fees for licensed physical therapists and certified physical therapists' assistants (Repealed)**

Sec. 1. *(Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:35 p.m.: 25 IR 2247)*

### **844 IAC 6-2-2 Fees**

**Authority:** IC 25-1-8-2; IC 25-27-1-5

**Affected:** IC 25-27-1-7

Sec. 2. (a) The board shall charge and collect the following fees:

|  |                  |
|--|------------------|
| Application for licensure/certification    | \$100            |
| Application to repeat national examination | \$50             |
| Licensure/certification renewal            | \$100 biennially |
| Temporary permit                           | \$50             |
| Verification of licensure/certification    | \$10             |
| Duplicate wall license/certification       | \$10             |

(b) Applicants required to take the national examination for licensure shall pay a fee directly to a professional examination service in the amount set by the examination service.

*(Medical Licensing Board of Indiana; 844 IAC 6-2-2; filed Feb 11, 2002, 4:35 p.m.: 25 IR 2247; readopted filed Oct 10, 2008, 8:57 a.m.: 20081105-IR-844080340RFA)*

## **Rule 3. Admission to Practice**

### **844 IAC 6-3-1 Licensure by endorsement**

**Authority:** IC 25-27-1-5

**Affected:** IC 4-1-8-1; IC 25-1-9; IC 25-27-1

Sec. 1. The committee may issue a license by endorsement to an applicant who completes the following:

- (1) Submits a sworn application in proper form.
- (2) Submits the fee specified in 844 IAC 6-2-2.
- (3) Presents satisfactory evidence that he or she does not have a conviction for an act, within or outside of this state, that would constitute a ground for disciplinary sanction under IC 25-1-9.
- (4) Has been certified by a written examination provided by the committee. The uniform criterion-referenced passing score on the physical therapy and physical therapist's assistant examinations, which has been adopted by the board of directors of the Federation of State Boards of Physical Therapy, is the required passing score. This criterion-referenced passing score shall be a scaled score of six hundred (600). If the applicant was licensed in a state that required an examination, other than an examination provided by the committee, the committee shall determine whether the applicant took and passed a postgraduate written examination substantially equivalent in content and difficulty to the examination adopted by the committee.
- (5) Submits verification from all states in which the applicant has been or is currently licensed-certified. The verification must include a statement verifying whether the applicant has ever been disciplined in any manner.
- (6) Submits an official transcript of grades from a physical therapy school or physical therapist's assistant school evidencing that the applicant is a graduate of a physical therapist or physical therapist's assistant entry-level educational program that meets the

requirements of 844 IAC 6-1-4 and that a degree has been conferred. If the transcript is not in English, the applicant must submit a certified copy of an official English translation. Graduates of a foreign physical therapy program must submit notarized copies of their transcripts if official transcripts are unavailable.

(7) Submits one (1) passport-type quality photograph of the applicant taken within the last eight (8) weeks.

(8) Submits the applicant's valid United States Social Security number.

(9) Meets all other minimum requirements as specified in IC 25-27-1.

*(Medical Licensing Board of Indiana; 844 IAC 6-3-1; filed Mar 10, 1983, 3:59 p.m.: 6 IR 774; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1938; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2732; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1413; filed Sep 22, 1994, 4:30 p.m.: 18 IR 263; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 203)*

### **844 IAC 6-3-2 Licensure by examination**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-1-9; IC 25-27-1-6

Sec. 2. (a) The committee shall issue a license by examination to an applicant who completes the following:

- (1) Submits a sworn application in proper form.
- (2) Submits the fee specified in 844 IAC 6-2-2.
- (3) Presents satisfactory evidence that he or she does not have a conviction for an act, within or outside of this state, that would constitute a ground for disciplinary sanction under IC 25-1-9 and has not been the subject of a disciplinary action as stated in IC 25-27-1-6(a)(2).
- (4) Successfully completes the examination provided by the committee. The uniform criterion-referenced passing score on the physical therapy or physical therapist's assistant examination, which has been adopted by the board of directors of the Federation of State Boards of Physical Therapy, is the required passing score. This criterion-referenced passing score shall be a scaled score of six hundred (600).
- (5) Submits one (1) passport-type quality photograph of the applicant taken within the last eight (8) weeks.
- (6) Submits an official transcript of grades from a physical therapy or physical therapist's assistant school showing evidence that the applicant is a graduate of a physical therapy or a physical therapist's assistant program that has been approved by the committee under 844 IAC 6-1-4 and that a degree has been conferred.
- (7) Submits a certified copy of an English translation of any document that is not in English.
- (8) Meets all other minimum requirements specified in IC 25-27-1.

(b) The committee may issue a license by examination to an applicant who has been educated as a physical therapist in a foreign country who submits the following:

- (1) Information required by subsection (a).
- (2) A certified copy of all academic records and an evaluation, from an accredited evaluation service approved by the committee, of all academic records and credentials for the committee's consideration in determining educational equivalence, such equivalence to be determined by the committee.

(c) For an applicant who has failed to pass the examination, in this state or any other state, the following apply:

- (1) After the first attempt, the applicant may retake the examination at their first available opportunity.
- (2) After the second attempt, the applicant must wait at least ninety (90) days before reapplying to take the licensure examination.
- (3) After the third attempt or subsequent attempt, the applicant must wait at least one hundred eighty (180) days before reapplying to take the licensure examination.

(4) The applicant must pay the reexamination fee specified in 844 IAC 6-2-2.

(Medical Licensing Board of Indiana; 844 IAC 6-3-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 774; filed Jun 11, 1984, 1:02 p.m.: 7 IR 1939; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2733; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1414; filed Sep 22, 1994, 4:30 p.m.: 18 IR 264; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 204)

#### **844 IAC 6-3-3 Licensure for foreign graduates (Repealed)**

Sec. 3. (Repealed by Medical Licensing Board of Indiana; filed Aug 6, 1987, 3:00 pm: 10 IR 2736)

#### **844 IAC 6-3-4 Applications for licensure as a physical therapist or certification as a physical therapist's assistant**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-6; IC 25-27-1-8

Sec. 4. (a) Persons desiring licensure as a physical therapist or certification as a physical therapist's assistant must file a completed application on a form provided by the committee.

(b) Persons submitting a completed application may be issued a temporary permit as provided by IC 25-27-1-8(d).

(c) At the time of submitting an original application to the committee, the applicant shall show to a staff member of the bureau, or to a member of the committee, the original physical therapist's or physical therapist's assistant's diploma or a certified copy of the diploma. A photocopy of the diploma may then be made for the files of the committee. In the event that such diploma has been lost or destroyed, the applicant shall submit the following:

(1) A statement under the signature and seal of the dean of the school from which the applicant graduated verifying that the applicant has satisfactorily completed:

- (A) the prescribed course of study;
- (B) the actual degree conferred; and
- (C) the date the degree was conferred.

(2) An affidavit made before a duly authorized official to administer oaths, fully and clearly stating the circumstances under which the applicant's diploma was lost or destroyed.

(d) The fee for an application as specified in 844 IAC 6-2-2 shall be made payable to the health professions bureau. The fee is nonrefundable if the applicant should decide to withdraw the application.

(Medical Licensing Board of Indiana; 844 IAC 6-3-4; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Oct 17, 1986, 2:00 p.m.: 10 IR 433; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2733; filed Sep 22, 1994, 4:30 p.m.: 18 IR 265; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 204)

#### **844 IAC 6-3-5 Temporary permits**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-6

Sec. 5. (a) For applicants for licensure by endorsement, the committee may not issue more than two (2) temporary permits to an applicant for a license as a physical therapist or a certificate as a physical therapist's assistant where the applicant submits verification of a valid license to practice physical therapy or a valid certificate to act as a physical therapist's assistant from another jurisdiction and meets the requirements of section 1(1) through 1(4) and 1(7) of this rule, except where the applicant has graduated from an educational program in another state, country, or territory, not approved by the committee.

(b) For recent graduates, the committee may issue not more than two (2) temporary permits to an applicant for a license as a physical therapist or a certificate as a physical therapist's assistant who is a graduate of an approved physical therapy program or an approved physical therapist's assistant program that meets the standards set by the committee and who has applied for and been approved by the committee to take the

examination for which the applicant has applied for licensure or certification.

(c) A candidate for a license as a physical therapist or for a certificate as a physical therapist's assistant holding a temporary permit under this section shall only work under the direct supervision of a licensed physical therapist and shall report to the committee, on a form provided by the committee, the name of the facility and supervising physical therapists.

(d) A temporary permit shall expire on the earliest date that any one (1) of the following events occurs:

(1) The applicant is licensed or certified.

(2) The application for licensure or certification is disapproved.

(3) Ninety (90) days has passed since the issuance of the temporary permit.

(Medical Licensing Board of Indiana; 844 IAC 6-3-5; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2734; filed Sep 22, 1994, 4:30 p.m.: 18 IR 265; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Oct 7, 2002, 12:02 p.m.: 26 IR 378; filed Aug 26, 2004, 10:20 a.m.: 28 IR 205)

#### **844 IAC 6-3-6 Social Security numbers**

**Authority:** IC 4-1-8-1; IC 25-27-1-15

**Affected:** IC 25-27-1-6

Sec. 6. (a) An applicant who applies for a license, certificate, or permit under IC 25-27-1 must submit to the committee the applicant's United States Social Security number.

(b) No application for a license, certificate, or permit will be approved before the Social Security number is submitted to the committee.

(c) The bureau and the committee will release the applicant's Social Security number as provided in state or federal law.

(d) The bureau and the boards may allow access to the Social Security number of each person who holds a license, certificate, or permit issued under IC 25-27-1 or has applied for a license, certificate, or permit under IC 25-27-1 to the following:

(1) A testing service that provides the examination for licensure to the bureau or the boards.

(2) An individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities between the individual states.

(Medical Licensing Board of Indiana; 844 IAC 6-3-6; filed Aug 26, 2004, 10:20 a.m.: 28 IR 205)

#### **Rule 4. Registration of Licensed Physical Therapists and Physical Therapists' Assistants**

##### **844 IAC 6-4-1 Mandatory registration; renewal**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-8

Sec. 1. (a) Every physical therapist holding a license issued by the committee shall renew his or her license biennially on or before July 1 of each even-numbered year.

(b) A licensee's failure to receive notification of renewal due to failure to notify the committee of a change of address or name shall not constitute an error on the part of the committee, board, or bureau, nor shall it exonerate or otherwise excuse the licensee from renewing such license.

(c) Every physical therapist's assistant holding a certificate issued by the committee shall renew his or her certificate biennially on or before July 1 of each even-numbered year.

(d) A certificate holder's failure to receive notification of renewal due to failure to notify the committee of a change of address or name shall not constitute an error on the part of the committee, board, or bureau, nor shall it exonerate or otherwise excuse the certificate holder from renewing such certificate.

(Medical Licensing Board of Indiana; 844 IAC 6-4-1; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2735; filed Sep 22, 1994, 4:30 p.m.: 18 IR 266; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Feb 10, 2003, 3:30 p.m.: 26 IR 2372)

#### **844 IAC 6-4-2 Address; change of name**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-8

Sec. 2. Each licensee is responsible for providing the committee with a current address, telephone number, and name change as applicable within thirty (30) days of the change.

(Medical Licensing Board of Indiana; 844 IAC 6-4-2; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2735; filed Sep 22, 1994, 4:30 p.m.: 18 IR 266; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:35 p.m.: 20071031-IR-844070051RFA)

#### **844 IAC 6-4-3 Reinstatement of delinquent license**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-27-1-8

Sec. 3. (a) A physical therapist or physical therapist's assistant who is less than three (3) years delinquent in renewing a license or certificate shall be reinstated upon receipt of a renewal application, reinstatement fee, and renewal fees.

(b) If more than three (3) years have elapsed since the expiration of a license or certificate, the applicant shall meet all requirements of 844 IAC 6-3-1 except that, where the applicant has not practiced for more than three (3) years, the committee may, after an appearance before the committee, require the applicant to retake and pass the examination provided by the committee.

(Medical Licensing Board of Indiana; 844 IAC 6-4-3; filed Mar 10, 1983, 3:59 p.m.: 6 IR 775; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2735; filed Apr 5, 1990, 2:45 p.m.: 13 IR 1414; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206)

#### **Rule 5. Repealed**

#### **844 IAC 6-5-1 Denial of license; cause (Repealed)**

Sec. 1. (Repealed by Medical Licensing Board of Indiana; filed Aug 6, 1987, 3:00 pm: 10 IR 2736)

#### **Rule 6. Reinstatement of Suspended License**

#### **844 IAC 6-6-1 Evidence for reinstatement (Repealed)**

Sec. 1. (Repealed by Medical Licensing Board of Indiana; filed Aug 26, 2004, 10:20 a.m.: 28 IR 209)

#### **844 IAC 6-6-2 Petitions for reinstatement (Repealed)**

Sec. 2. (Repealed by Medical Licensing Board of Indiana; filed Aug 26, 2004, 10:20 a.m.: 28 IR 209)

#### **844 IAC 6-6-3 Duties of suspended licensees, certificate holders**

**Authority:** IC 25-22.5-2-7; IC 25-27-1-5

**Affected:** IC 25-1-9

Sec. 3. In any case where a person's license or certificate has been suspended under IC 25-1-9, said person shall do the following:

(1) Within thirty (30) days from the date of the order of suspension, file with the physical therapy committee an affidavit showing the following:

(A) All active patients then under the licensee's or certificate holder's care have been notified in the manner and method specified by the committee of the licensee's or certificate holder's suspension and consequent inability to act for or on their behalf in a professional capacity. Such notice shall advise all such patients

to seek the services of another licensee or certificate holder of good standing of their own choice.

(B) All hospitals and medical and health care facilities where such licensee or certificate holder has privileges or staff status have been informed of the suspension order.

(C) Reasonable arrangements were made for the transfer of patient records, radiographic studies, and test results, or copies thereof, to a succeeding licensee or certificate holder employed by the patient or those responsible for the patient's care.

(2) Prove compliance with this section as a condition precedent to reinstatement.

(Medical Licensing Board of Indiana; 844 IAC 6-6-3; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206)

#### **844 IAC 6-6-4 Protection of patients' interests**

**Authority:** IC 25-22.5-2-7; IC 25-27-1-5

**Affected:** IC 25-1-9

Sec. 4. Whenever a person's license or certificate has been suspended under IC 25-1-9 and said person has not fully complied with section 3 of this rule and this section or if said licensee or certificate holder has disappeared, died, or is otherwise unable to comply with section 3 of this rule and this section, the physical therapy committee shall request the health professions bureau or the Indiana Chapter of the American Physical Therapy Association to take such action as may be appropriate to protect the interests of that person's patients.

(Medical Licensing Board of Indiana; 844 IAC 6-6-4; filed Aug 6, 1987, 3:00 p.m.: 10 IR 2736; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 206)

#### **Rule 7. Standards of Professional Conduct**

#### **844 IAC 6-7-1 Definitions**

**Authority:** IC 25-27-1-5

**Affected:** IC 25-1-9

Sec. 1. For purposes of the standards of professional conduct and competent practice of physical therapy or practice as a physical therapist assistant, the following definitions apply:

"Practitioner" means a person holding a license to practice physical therapy; a person holding a certificate to practice as a physical therapist assistant; or a person holding a temporary permit issued by the committee.

"Professional incompetence" may include, but is not limited to, a pattern or course of repeated conduct by a practitioner demonstrating a failure to exercise such reasonable care and diligence as is ordinarily exercised by practitioners in the same or similar circumstances in the same or similar locality.

(Medical Licensing Board of Indiana; 844 IAC 6-7-1; filed Oct 3, 1988, 2:36 p.m.: 12 IR 386; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; readopted filed Oct 4, 2007, 3:35 p.m.: 20071031-IR-844070051RFA)

#### **844 IAC 6-7-2 Standards of professional conduct and competent practice**

**Authority:** IC 25-27-1-5

**Affected:** IC 16-39-1-1; IC 25-1-9-9; IC 25-27-1; IC 34-6-2-99; IC 34-30-15-1

Sec. 2. (a) A practitioner when engaging in the practice of physical therapy shall abide by, and comply with, the standards of professional conduct in this section.

(b) A practitioner shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the patient's:

- (1) diagnosis;
- (2) treatment; and
- (3) prognosis;

of which the practitioner has knowledge during the course of the patient-practitioner relationship. Information about a patient shall be disclosed by a practitioner when required by law, including, but not limited to, the requirements of IC 34-30-15-1 et seq. and IC 16-39-1-1 et seq., and any amendments thereto, or when authorized by the patient or those responsible for the patient's care.

(c) A practitioner shall give a truthful, candid, and reasonably complete account of the patient's condition to the patient or to those responsible for the patient's care, except where a practitioner reasonably determines that the information is detrimental to the physical or mental health of:

- (1) the patient; or
- (2) those persons responsible for the patient's care.

(d) The practitioner shall give reasonable written notice to the patient and to the referring physician, podiatrist, psychologist, chiropractor, or dentist when the practitioner withdraws from a case so that another referral may be made by the referring physician, podiatrist, psychologist, chiropractor, or dentist. A practitioner shall not abandon a patient. A practitioner who withdraws from a case, except in emergency circumstances, shall, upon written request, comply with the provisions of IC 16-39-1-1 et seq., and of any subsequent amendment or revision thereof, when a patient requests health records.

(e) A practitioner shall exercise reasonable care and diligence in the treatment of patients based upon generally accepted scientific principles, methods, treatments, and current professional theory and practice.

(f) A practitioner shall not:

- (1) represent;
- (2) advertise;
- (3) state; or
- (4) indicate;

the possession of any degree recognized as the basis for licensure to practice physical therapy unless the practitioner is actually licensed on the basis of such degree in the state or states in which he/she practices.

(g) A physical therapist shall not delegate to supportive personnel any service that requires the skill, knowledge, and judgment of the licensed physical therapist.

(h) A physical therapist's assistant shall not accept a delegation of a service that exceeds the scope of practice of their certificate as defined in 844 IAC 6-1-2(g)(3).

(i) A practitioner who has personal knowledge based upon a reasonable belief that another practitioner holding the same license or certificate has engaged in illegal, unlawful, incompetent, or fraudulent conduct in the practice of physical therapy shall promptly report such conduct to a peer review or similar body, as defined in IC 34-6-2-99 and as provided in IC 34-30-15-1 et seq., having jurisdiction over the offending practitioner and the matter. This provision does not prohibit a practitioner from promptly reporting said conduct directly to the physical therapy committee. Further, a practitioner who has personal knowledge of any person engaged in, or attempting to engage in, the unauthorized practice of medicine or physical therapy shall promptly report such conduct to the medical licensing board or the physical therapy committee.

(j) A practitioner who voluntarily submits himself or herself to, or is otherwise undergoing a course of treatment for:

- (1) addiction;
- (2) severe dependency upon alcohol or other drugs or controlled substances; or
- (3) psychiatric impairment;

where such treatment is sponsored or supervised by a committee for impaired practitioners of a state, regional, or local organization of professional health care providers, or where such treatment is sponsored or supervised by a committee for impaired practitioners of a hospital, shall be exempt from reporting to a peer review committee as set forth in subsection (i) or to the physical therapy committee so long as the practitioner is complying with the course of treatment and making

satisfactory progress. If the practitioner fails to comply with or is not benefited by the course of treatment, the practitioner-chief administrative officer, his or her designee, or any member of the committee for impaired practitioners shall promptly report such facts and circumstances to the physical therapy committee. Subsection (i) and this subsection shall not, in any manner whatsoever, directly or indirectly, be deemed or construed to prohibit, restrict, limit, or otherwise preclude the physical therapy committee from taking such action as it deems appropriate or as may otherwise be provided by law.

(k) Fees charged by a practitioner for his or her professional services shall be reasonable and shall reasonably compensate the practitioner only for services actually rendered.

(l) A practitioner shall not enter into agreement for, charge, or collect an illegal or clearly excessive fee.

(m) Factors to be considered in determining the reasonableness of a fee include, but are not limited to, the following:

- (1) The difficulty or uniqueness, or both, of the services performed and the time, skill, and experience required.
- (2) The fee customarily charged in the locality for similar practitioner services.
- (3) The amount of the charges involved.
- (4) The quality of performance.
- (5) The nature and length of the professional relationship with the patient.
- (6) The experience, reputation, and ability of the practitioner in performing the kind of services involved.

(n) A practitioner shall not pay, demand, or receive compensation for referral of a patient except for a patient referral program operated by a professional society or association.

(o) A practitioner shall be responsible for the conduct of each and every person employed by the practitioner for every action or failure to act by said employee or employees in the course of the employment relationship.

(p) A practitioner shall not, on behalf of:

- (1) himself or herself;
- (2) a partner;
- (3) an associate;
- (4) a shareholder in a professional corporation; or
- (5) any other practitioner or specific health care provider affiliated with the practitioner;

use, or participate in the use of, any form of public communication containing a false, fraudulent, misleading, deceptive, or unfair statement or claim.

(q) Subject to the requirements of subsection (p), and in order to facilitate the process of informed selection of a practitioner by the public, a practitioner may advertise services through the public media, provided that the advertisement is dignified and confines itself to the existence, scope, nature, and field of practice of physical therapy.

(r) If the advertisement in subsection (q) is communicated to the public by radio, cable, or television, it shall be prerecorded and approved for broadcast by the practitioner, and a recording and transcript of the actual transmission shall be retained by the practitioner for a period of five (5) years from the last date of broadcast.

(s) If a practitioner advertises a fee for:

- (1) a service;
- (2) a treatment;
- (3) a consultation;
- (4) an examination; or
- (5) any other procedure;

the practitioner must render that service or procedure for no more than the fee advertised.

(t) Except as otherwise provided in these rules, a practitioner shall not contact or solicit individual members of the public personally or through an agent in order to offer services to such person or persons unless that

individual initiated contact with the practitioner for the purpose of engaging that practitioner's professional services.

(u) A practitioner may, whenever the practitioner believes it to be beneficial to the patient, and upon approval of the referring physician, podiatrist, psychologist, chiropractor, or dentist, send or refer a patient to a qualified specific professional health care provider for treatment or health care that falls within the specific professional health care provider's scope of practice. Prior to any such referral, however, the practitioner shall examine or consult with, or both, the patient and the referring physician, podiatrist, psychologist, chiropractor, or dentist to ensure that a condition exists in the patient that would be within the scope of practice of the specific professional health care provider to whom the patient is referred or sent.

(v) A practitioner, upon:

- (1) his or her retirement;
- (2) discontinuation of the practice of physical therapy;
- (3) leaving or moving from a community;

shall not sell, convey, or transfer for valuable consideration, remuneration, or anything of value patient records of that practitioner to any other practitioner.

(w) A practitioner, upon:

- (1) retiring from private practice;
- (2) discontinuation of the private practice of physical therapy;
- (3) leaving or moving from a community;

shall notify all of his or her active patients in writing, or by publication once a week for three (3) consecutive weeks in a newspaper of general circulation in the community, that he or she intends to discontinue his or her practice of physical therapy in the community and shall notify the referring physician, podiatrist, psychologist, chiropractor, or dentist of each active patient. The practitioner discontinuing his or her practice shall make reasonable arrangements with his/her active patients for the transfer of his/her records, or copies thereof, to the referring physician, podiatrist, psychologist, chiropractor, or dentist who shall make the records, or copies thereof, available to the succeeding practitioner or to a program conducted by a professional society or association.

(x) As used herein, "active patient" applies and refers to a person whom the practitioner has:

- (1) examined;
- (2) treated;
- (3) cared for; or
- (4) otherwise consulted with;

during the two (2) year period prior to retirement, discontinuation of the practice of physical therapy, or leaving or moving from a community.

(y) A practitioner shall not base his fee upon the uncertain outcome of a contingency, whether such contingency be the outcome of litigation or any other occurrence or condition that may or may not develop, occur, or happen.

(z) A practitioner shall not attempt to exonerate himself or herself from or limit his or her liability to a patient for his or her personal malpractice except that a practitioner may enter into agreements that contain informed, voluntary releases or waivers of liability, or both, in settlement of a claim made by a patient or by those responsible for a patient's care.

(aa) A practitioner shall not attempt to preclude, prohibit, or otherwise prevent the filing of a complaint against him or her by a patient or other practitioner for any alleged violation of this title, IC 25-27-1 et seq., or any other law.

(bb) A practitioner shall maintain adequate patient records.

(cc) A practitioner shall not interfere with, or refuse to cooperate in, an investigation or disciplinary proceeding by willful misrepresentation of facts or the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any legal action.

(dd) A practitioner shall not aid or abet a person not licensed or certified in this state who directly or indirectly performs activities requiring a license or certificate.

(ee) A practitioner shall not practice as a physical therapist or work as a physical therapist's assistant when physical or mental abilities are impaired by the use of:

- (1) controlled substances;
- (2) other habit-forming drugs;
- (3) chemicals; or
- (4) alcohol.

(ff) A practitioner shall not engage in the performance of substandard care due to a deliberate or negligent act or failure to act regardless of whether there was actual injury to the patient.

(gg) A practitioner shall not engage in sexual misconduct, including the following:

- (1) Making sexual advances.
- (2) Requesting sexual favors.
- (3) Engaging in verbal conduct or physical contact of a sexual nature with patients, clients, or coworkers.

(hh) A practitioner who has been convicted of a felony, or who has pled no contest or any other finding of guilt as to such felony, in this or any other state, territory, or country, which demonstrates impaired judgment or risk to the public in the practitioner's future provision of physical therapy service, may be deemed to be in violation of this section.

(ii) Failure to comply with the above standards of professional conduct and competent practice of physical therapy may result in disciplinary proceedings against the offending practitioners. Further, all practitioners licensed in Indiana shall be responsible for having knowledge of these standards of conduct and practice.

*(Medical Licensing Board of Indiana; 844 IAC 6-7-2; filed Oct 3, 1988, 2:36 p.m.: 12 IR 386; errata filed Oct 11, 1988, 3:00 p.m.: 12 IR 391; readopted filed Nov 9, 2001, 3:16 p.m.: 25 IR 1325; filed Aug 26, 2004, 10:20 a.m.: 28 IR 207)*